

Licensing (Licensing and Gambling) Sub-Committee

Thursday, 1st November, 2012
at 9.30 am

PLEASE NOTE TIME OF MEETING

Conference Room 3 - Civic Centre

This meeting is open to the public
Members

Councillor Cunio
Councillor B Harris
Councillor Lewzey

Contacts

Democratic Support Officer
Sharon Pearson
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PUBLIC INFORMATION

Terms of Reference

The Sub-Committee deals with licences for which the Council is responsible under the Licensing Act, 2003 and Gambling Act 2005, including:-

- Personal licences for the sale of liquor Licensing Act 2003;
- Premises licences, various permits, variations and reviews (Licensing Act 2003 and Gambling Act 2005);
- Club certificates, variations and reviews Licensing Act 2003;
- Registration and deregistration of designated premises supervisors Licensing Act 2003;
- Determination of police objections to temporary event notices Licensing Act 2003

Relevant Representations

Those who have made relevant representations may address the meeting about the matter in which they have an interest.

When dealing with Licensing Act matters the Sub-Committee can only take into account the following statutory Licensing Objectives:-

- prevention of crime and disorder
- public safety
- prevention of public nuisance
- protection of children from harm

Likewise, when dealing with Gambling Act matters the Sub Committee can only take into account the statutory Licensing Objectives below:-

- Preventing gambling being a source of crime
- That gambling is conducted in a fair and open way
- To protect children and other vulnerable children from harm

Southampton City Council's Seven Priorities

- More jobs for local people
- More local people who are well educated and skilled
- A better and safer place in which to live and invest
- Better protection for children and young people
- Support to the most vulnerable people and families
- Reducing health inequalities
- Reshaping the Council for the future

Smoking policy

The Council operates a no-smoking policy in all civic buildings.

Mobile Telephones –

Please turn off your mobile telephone whilst in the meeting.

Fire Procedure –

In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access –

Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Potential Meetings: Municipal Year 2012/13

2012	15TH NOVEMBER
10TH MAY	29TH NOVEMBER
31ST MAY	13TH DECEMBER
14TH JUNE	2013
28TH JUNE	3RD JANUARY
12TH JULY	17TH JANUARY
26TH JULY	31ST JANUARY
9TH AUGUST	14TH FEBRUARY
23RD AUGUST	28TH FEBRUARY
6TH SEPTEMBER	14TH MARCH
20TH SEPTEMBER	28TH MARCH
4TH OCTOBER	11TH APRIL
18TH OCTOBER	25TH APRIL
1ST NOVEMBER	

CONDUCT OF MEETING

Terms of Reference

The terms of reference are contained in the Council's Constitution.

Business to be discussed

Only those items listed on the attached agenda may be considered at this meeting.

Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

Quorum 3

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Personal Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PERSONAL INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

(i) Any employment, office, trade, profession or vocation carried on for profit or gain.

(ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having a, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

Agendas and papers are available via the Council's website.

1 ELECTION OF CHAIR

To appoint a Chair for the purposes of this meeting.

2 APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)

To note any changes in the membership of the Sub-Committee made in accordance with the Licensing Act 2003.

3 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

4 STATEMENT FROM THE CHAIR

5 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the meeting held on 4th October 2012 and to deal with any matters arising, attached.

6 EXCLUSION OF THE PRESS AND PUBLIC

At a predetermined point during the consideration of all items the Sub-Committee may move into private session in order to receive legal advice when determining issues. The press and the public, unless otherwise excluded by the Licensing Act 2003 (Hearings) Regulations 2005, will be invited to return immediately following that private session at which time the matter will be determined and the decision of the Sub-Committee will be announced.

7 APPLICATION FOR PREMISES LICENCE - DONYA LIMITED, 50 OXFORD STREET, SOUTHAMPTON, SO14 3DL

Report of the Head of Legal, HR and Democratic Services, detailing an application for a Premises Licence in respect of Donya Limited, 50 Oxford Street, Southampton, SO14 3DL, attached.

8 APPLICATION FOR VARIATION OF PREMISES LICENCE - DPS VARIATION - AMURG, 5 CANUTE ROAD, SOUTHAMPTON, SO14 3FH

Report of the Head of Legal, HR and Democratic Services, detailing an application to vary a Premises Licence – DPS Variation, in respect of Amurg, 5 Canute Road, Southampton, SO14 3FH, attached.

Wednesday, 24 October 2012

HEAD OF LEGAL, HR AND DEMOCRATIC
SERVICES

SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 4 October 2012

Present: Councillors Cunio, Parnell and Tucker

47. **ELECTION OF CHAIR**

RESOLVED that Councillor Cunio be elected Chair for the purposes of this meeting.

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

RESOLVED that the Minutes of the meeting held on 20th September 2012 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

49. **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.

50. **APPLICATION FOR REVIEW OF PREMISES LICENCE - RHINO, WATERLOO TERRACE, SOUTHAMPTON, SO15 2AL**

The Sub-Committee considered the application for review of the premises licence in respect of Rhino, Waterloo Terrace, Southampton, SO15 2AL. (Copy of report circulated with the agenda and appended to the signed minutes).

PS Wood and PC Harris, Hampshire Constabulary, Mr Felgate, Premises Licence Holder, Mr Bailey, Designated Premises Supervisor and Mr Weston, Counsel for Premises Licence Holder, 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:-

- (i) the following conditions, agreed between the parties and as detailed on pages 93 and 94 of the bundle, be attached to the licence:-
 - CCTV
 - ID Scanner
 - Crime Mapping
 - Refusals Book
 - Incident Book

- Staff Training
 - Challenge 25; and
- (ii) the following additional conditions be attached to the licence:-
- the DPS shall complete a nationally recognised Level 2 DPS course, if not already so attained, within 6 months of notification of the decision and any subsequent DPS shall attain such qualification within 6 months of appointment; and
 - last admission to the premises shall be at 02h30, seven days a week, for patrons. For clarification, last admission does not include those who may exit or re-enter the premises due to the smoking legislation.

REASONS

The Sub-Committee considered very carefully all of the evidence and in particular considered which steps, if any, were necessary and appropriate in accordance with the legislation and the terms of the guidance.

The Sub-Committee stressed that it held very real concerns with regards the evidence relating to violence, drug use, theft and anti-social behaviour/nuisance either at or within the vicinity of the premises. It considered very carefully the evidence presented by the police. It noted issues raised for the premises licence holder regarding comparison of that evidence with another premises and the number of incidents that might show good practice or may be recorded and included without showing a causal link directly to licensable activities at the premises. Nonetheless and in spite of those issues, the Sub-Committee found that there was a disproportionate level of problems regarding in particular crime and disorder and public nuisance at this premises which it took very seriously. At the same time, the Sub-Committee carefully noted the extent of co-operation shown by the premises, including appointment of an alternative DPS and implementation/agreeing to all of the suggested conditions put forward by the police. A significant factor taken into account by the Sub-Committee in reaching its decision was the relatively short period of time that had elapsed since those changes were put into place. Accordingly the Sub-Committee found that those steps had not yet been fully tested and in all the circumstances, ought to be given a full opportunity to operate in order to properly assess whether it was appropriate and necessary to either reduce the terminal hour at the premises or introduce a last entry time as suggested by the police of 02h00.

The Sub-Committee accepted legal advice that in the instance of a review it was required to take into account the financial impact of steps taken as a result, but likewise noted that the Guidance similarly stated that where the premises were trading irresponsibly, it should take tough action to tackle problems at the premises. Accordingly, it was stressed that in the event that the measures adopted and the change of management failed to address the most significant incidents at or in the vicinity of the premises, further steps may well be taken on any subsequent review.

Whilst the Sub-Committee accepted issues raised regarding parts of the evidence, it was not accepted that where incidents of crime and disorder occurred and were reported, that that evidence should automatically be discarded due to it showing best

practice. In those circumstances, the Sub-Committee balanced the fact that incidents of such a nature occurred against the steps taken in response and therefore very carefully considered all of the evidence and attached due weight accordingly. To this end the Sub-Committee remained concerned regarding the number and seriousness of incidents at the premises but in assessing the risk felt that at this time the conditions imposed and the last admission time of 02h30 were appropriate measures, if properly implemented, to address those issues.

It was argued that the only issue to be determined by the Sub-Committee was that of the terminal hour or last hour for admission to the premises. Legal advice on that point was sought and it was accepted that in fact, on review, the Sub-Committee should consider the entirety of the application and the issues presented, as well as all of the steps available. The distinction between review and ordinary applications being that there was no presumption of grant in the absence of representations and the fact that a hearing could not be averted by way of negotiation and agreement between the parties. That said, the fact that the parties had reached agreement and narrowed the issues remained highly persuasive.

There is a right of appeal for all parties to the Magistrates' Court. Formal notification of the decision will set out that right in full.

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Agenda Item 7



Reference: 2012/01342/01SPRN

Hearing:

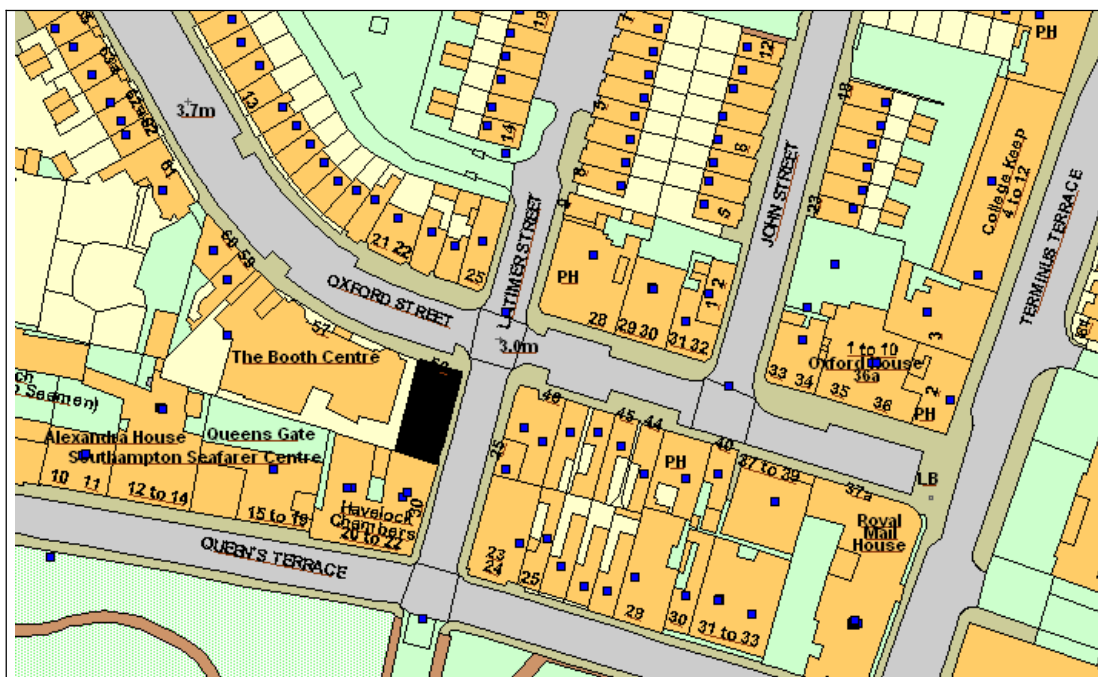
1st November 2012

Application for Premises Licence

Premises Name: Donya Limited
Premises Address: 50 Oxford Street
Southampton
SO14 3DL

Application Date: 15th June 2012
Application Received Date: 15th June 2012

Application Valid Date: 15th June 2012



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Representation From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Child Protection Services - Licensing	Yes	
Hampshire Fire And Rescue - Licensing	Yes	
Environmental Health - Licensing	No	A representation is being made in light of concerns about the likelihood of public nuisance (noise nuisance) being caused by the proposed live music. P D Wainwright Principal EHO
Primary Care Trust - Public Health Manager	Yes	
Planning & Sustainability - Development Control - Licensing	Yes	
Police - Licensing	Yes	
Trading Standards - Licensing	Yes	

Other Representations

Name	Address	Contributor Type
Mr. Duncan Russell and Ms. Maria Fernanda Spinelli	12 Oxford Street Southampton SO14 3DJ	Resident
Mr. David Carter	17 Oxford Street Southampton SO14 3DJ	Resident

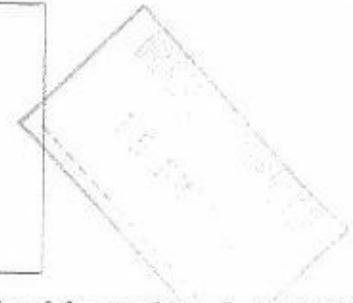
Legal Implications

1. The Licensing Act 2003 specifically restricts the grounds on which the Council, as Licensing Authority (LA), may refuse an application for a new Premises Licence, or impose conditions. Where relevant representations are made, the LA may refuse on the grounds that the licensing objectives are not met or the operating schedule is inadequate. Equally, conditions may be imposed where relevant and necessary. The LA may also refuse an application in part and thereby only permit some of the licensable activities sought.
2. The decision making committee, in considering an application, must have regard to the adopted Statement of Licensing Policy and any relevant representations made by those directly affected.
3. An applicant for a new Premises Licence whose application has been refused, or who is aggrieved by conditions imposed, may appeal against the decision to the Magistrates' Court.
4. In considering this application the committee will sit in a quasi-judicial capacity and is thus obliged to consider applications in accordance with both the Licensing Act 2003 (Hearings) Regulations 2005, and amending secondary legislation and the rules of natural justice. The practical effect of this is that the committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

The committee must also have regard to:-

5. *Crime and Disorder Act 1998*
Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
6. *Human Rights Act 1998*
The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another persons Human Rights must be taken having regard to the principle of Proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affect another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.

Insert name and address of relevant licensing authority and its reference number (optional)



Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
 You may wish to keep a copy of the completed form for your records.

XWe Donya Limited
 (Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and **X**we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 50 Oxford Street	
Post town Southampton	Post code SO14 3DP

Telephone number at premises (if any)

Non-domestic rateable value of premises £

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick Yes

- a) an individual or individuals* please complete section (A)
- b) a person other than an individual*
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)

- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick Yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title
 (for example, Rev)

Surname **First names**

Please tick Yes

I am 18 years old or over

Current postal address if different from premises address

Post Town **Postcode**

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

Please tick Yes

I am 18 years old or over

Current postal
address
if different from
premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address
(optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned

Name Donya Limited
Address 12-14 Carlton Place Southampton Hampshire SO15 2EA
Registered number (where applicable) 07285298
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 - Operating Schedule

When do you want the premises licence to start?

Day		Month		Year			
0	1	0	8	2	0	1	2

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year			

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

Please give a general description of the premises (please read guidance note 1)

The premises are in the process of being converted into a restaurant and on the first and second floor with flats above.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick Yes

Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for performing plays (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat						
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	
Day	Start	Finish	Indoors	
Mon			Outdoors	
			Both	
Tue			Please give further details here (please read guidance note 3)	
Wed				
Thur			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)	
Fri				
Sat			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun				

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	1100	0200	<p>Please give further details here (please read guidance note 3)</p> <p>State any seasonal variations for the performance of live music (please read guidance note 4) where the clocks go from GMT to BST, the Premises be allowed to remain open an extra hour to account for the change in times.</p> <p>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) On New Years Eve, the hours be extended from closing at 0230 on New Years day to 11am on News Years day.</p>	Both	
Tue	1100	0200			
Wed	1100	0200			
Thur	1100	0200			
Fri	1100	0200			
Sat	1100	0200			
Sun	1100	0200			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	1100	0200	<p>Please give further details here (please read guidance note 3)</p> <p>State any seasonal variations for the playing of recorded music (please read guidance note 4) where the clocks go from GMT to BST, the Premises be allowed to remain open an extra hour to account for the change in times.</p> <p>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) On New Years Eve, the hours be extended from closing at 0230 on New Years day to 11am on News Years day.</p>	Both	
Tue	1100	0200			
Wed	1100	0200			
Thur	1100	0200			
Fri	1100	0200			
Sat	1100	0200			
Sun	1100	0200			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	1100	0200	Please give further details here (please read guidance note 3)	Both	
Tue	1100	0200			
Wed	1100	0200	State any seasonal variations for the performance of dance (please read guidance note 4) where the clocks go from GMT to BST, the Premises be allowed to remain open an extra hour to account for the change in times.		
Thur	1100	0200			
Fri	1100	0200	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	1100	0200			
Sun	1100	0200	On New Years Eve, the hours be extended from closing at 0230 on New Years day to 11am on News Years day.		

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	✓
Mon	1100	0200			Outdoors
Tue	1100	0200	Both		
Wed	1100	0200	Please give further details here (please read guidance note 3)		
Thur	1100	0200			
Fri	1100	0200	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4) where the clocks go from GMT to BST, the Premises be allowed to remain open an extra hour to account for the change in times.		
Sat	1100	0200			
Sun	1100	0200	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
			On New Years Eve, the hours be extended from closing at 0230 on New Years day to 11am on News Years day.		

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing																									
<table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td>1100</td> <td>0200</td> </tr> <tr> <td>Tue</td> <td>1100</td> <td>0200</td> </tr> <tr> <td>Wed</td> <td>1100</td> <td>0200</td> </tr> <tr> <td>Thur</td> <td>1100</td> <td>0200</td> </tr> <tr> <td>Fri</td> <td>1100</td> <td>0200</td> </tr> <tr> <td>Sat</td> <td>1100</td> <td>0200</td> </tr> <tr> <td>Sun</td> <td>1100</td> <td>0200</td> </tr> </tbody> </table>			Day	Start	Finish	Mon	1100	0200	Tue	1100	0200	Wed	1100	0200	Thur	1100	0200	Fri	1100	0200	Sat	1100	0200	Sun	1100	0200	Will the facilities for making music be indoors or outdoors or both - please tick ✓ (please read guidance note 2)	
			Day	Start	Finish																							
			Mon	1100	0200																							
Tue	1100	0200																										
Wed	1100	0200																										
Thur	1100	0200																										
Fri	1100	0200																										
Sat	1100	0200																										
Sun	1100	0200																										
Indoors		✓																										
Outdoors																												
Both																												
			Please give further details here (please read guidance note 3)																									
			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)																									
			where the clocks go from GMT to BST, the Premises be allowed to remain open an extra hour to account for the change in times.																									
			Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list (please read guidance note 5)																									
			On New Years Eve, the hours be extended from closing at 0230 on New Years day to 11am on News Years day.																									

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both - please tick ✓ (see guidance note 2)																										
<table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td>1100</td> <td>0200</td> </tr> <tr> <td>Tue</td> <td>1100</td> <td>0200</td> </tr> <tr> <td>Wed</td> <td>1100</td> <td>0200</td> </tr> <tr> <td>Thur</td> <td>1100</td> <td>0200</td> </tr> <tr> <td>Fri</td> <td>1100</td> <td>0200</td> </tr> <tr> <td>Sat</td> <td>1100</td> <td>0200</td> </tr> <tr> <td>Sun</td> <td>1100</td> <td>0200</td> </tr> </tbody> </table>			Day	Start	Finish	Mon	1100	0200	Tue	1100	0200	Wed	1100	0200	Thur	1100	0200	Fri	1100	0200	Sat	1100	0200	Sun	1100	0200	Indoors		✓
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Sat	1100	0200																											
Sun	1100	0200																											
Outdoors																													
Both																													
			Please give a description of the facilities for dancing you will be providing Dance floor area within the restaurant facilities																										
			Please give further details here (please read guidance note 3)																										
			This may require moving of tables at certain times.																										
			State any seasonal variations for providing dancing facilities (please read guidance note 4)																										
			where the clocks go from GMT to BST, the Premises be allowed to remain open an extra hour to account for the change in times.																										
			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)																										
			On New Years Eve, the hours be extended from closing at 0230 on New Years day to 11am on News Years day.																										

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing		
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	1100	0200		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	1100	0200	Please give further details here (please read guidance note 3)		
Wed	1100	0200			
Thur	1100	0200	State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)		
Fri	1100	0200	where the clocks go from GMT to BST, the Premises be allowed to remain open an extra hour to account for the change in times.		
Sat	1100	0200	Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	1100	0200	On New Years Eve, the hours be extended from closing at 0230 on New Years day to 11am on News Years day.		

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)		
Day	Start	Finish		Indoors	<input checked="" type="checkbox"/>
Mon	2300	0200		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	2300	0200	Please give further details here (please read guidance note 3)		
Wed	2300	0200			
Thur	2300	0200	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Fri	2300	0200	where the clocks go from GMT to BST, the Premises be allowed to remain open an extra hour to account for the change in times.		
Sat	2300	0200	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sun	2300	0200	On New Years Eve, the hours be extended from closing at 0230 on New Years day to 11am on News Years day.		

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) <input checked="" type="checkbox"/> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>	
Day	Start	Finish		Off the premises	<input type="checkbox"/>	
				Both	<input type="checkbox"/>	
Mon	1100	0200	State any seasonal variations for the supply of alcohol (please read guidance note 4) where the clocks go from GMT to BST, the Premises be allowed to remain open an extra hour to account for the change in times.			
Tue	1100	0200				
Wed	1100	0200				
Thur	1100	0200		Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) On New Years Eve, the hours be extended from closing at 0230 on New Years day to 11am on News Years day.		
Fri	1100	0200				
Sat	1100	0200				
Sun	1100	0200				

State the name and details of the individual whom you wish to specify on the licence as premises supervisor	
Name
Address	
Postcode
Personal Licence number (if known)
Issuing licensing authority (if known)

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

No adult themed entertainment services are planned in respect of these premises, it is intended that the premises will be used as a restaurant with facilities for music and dancing.

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) where the clocks go from GMT to BST, the Premises be allowed to remain open an extra hour to account for the change in times.
Day	Start	Finish	
Mon	0730	0230	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> <p>On New Years Eve, the hours be extended from closing at 0230 on New Years day to 11am on News Years day.</p>
Tue	0730	0230	
Wed	0730	0230	
Thur	0730	0230	
Fri	0730	0230	
Sat	0730	0230	
Sun	0730	0230	

P Describe the steps you intend to take to promote the four licensing objectives:

a) General - all four licensing objectives (b, c, d, e) (please read guidance note 9)

See attached sheet

b) The prevention of crime and disorder

See attached sheet

c) Public safety

See attached sheet

d) The prevention of public nuisance

See attached sheet

e) The protection of children from harm

See attached sheet

Please tick Yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 - Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature 

Date 15th June 2012


Capacity SOLICITOR FOR THE APPLICANT

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)	
Paris Smith LLP 1 London Road Southampton Hampshire	
Post town	Post code SO15 2AE
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day, e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

APPLICATION FOR A PREMISES LICENCE

OPERATING SCHEDULE



BACKGROUND

The conversion of an existing office block located on the Junction of Oxford Street and Latimer Street into a restaurant based over two floors with a roof terrace and flats above, the roof terrace is also intended to have the facility to seat patrons of the restaurant. It is intended that there will be the possibility of moving tables to create a dance floor area in the event of a requirement for the same by virtue of small functions. The facility is intended to be a new build on an established office site, it has never previously held an alcohol licence. As far as the ground floor of the premises is concerned, there are two doorways, these are located in Oxford Street, or directly opposite the entrance from Latimer Street. There is no smoking within the premises, and people will be required to leave in order to smoke, they will not be entitled to take alcoholic beverages purchased for consumption on the premises outside of the premises. It is intended that the premises will be open to members of the public generally.

The relevant licensable activities to be conducted on the premises and intended times are shown in detail in Part 4 of the Operating Schedule on the Application for the Premises Licence.

The times during which it is proposed that relevant licensable activities are to take place.

Alcohol is supplied on the mandatory conditions imposed in respect of the premises licence by Southampton City Council. It will be sold from the main bar area on the ground floor in accordance with the plans annexed to the application. Alcohol is required to be supplied on and off the premises between 1100 hours and 0200 hours Monday to Sunday. It is intended that this may be extended in accordance with the change from GMT to BST and for the seasonal variation at New Year.

Regulated Entertainment

The premises will look to be able to provide regulated entertainment both in the ground floor bar area and first floor. The application is to provide regulated entertainment as necessary for the restaurant area.

Late Night Refreshment

The Premises Licence also requires late night refreshment for the premises, as it is intended that the premises will be open until 0230 hours. Late night refreshment is required along with alcohol and regulated entertainment to a time 30 minutes before the premises close.

At other times, it is proposed that the premises are open to the public, the premises will be open according to the hours contained in the licence application. It is proposed that the premises will shut half an hour after the final time allowed for the service of alcohol.

Where the licensable activities include the supply of alcohol the name and address of the individual to be specified as a designated premises supervisor.

The intended Designated Premises Supervisor has yet to be identified, however it is anticipated that the Lease to persons with personal licences will be available on the premises to undertake the roll of designated premises supervisor when the same has been decided. Before any sales take place, a Designated Premises Supervisor will be appointed.

Where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises.

The application provides for consumption both on or off the premises, although it is considered highly unlikely that there will be any off sales.


The steps which the Applicant proposes to take to promote the Licensing objectives.

The applicant intends to install a CCTV system, which would be of suitable standard for identification as required by the Police. The CCTV will have 28 days of storage of tape and there will be individuals on the premises who will have the ability to undertake a download of the material. A Challenge 25 Policy will be in place for persons attempting to purchase alcohol without the need for food, although the relevant licensing laws for the service alcohol with table meals will be applied. The Applicant would intend to take advantage of the statutory allowance for the consumption of alcohol over the Christmas and New Year bank holidays and indeed the hours allowed for New Years Eve to 0000 hours on the 2nd January.

A refusals book will be kept detailing numbers, dates and times of incident and the description of people refused service of alcohol with reasons why. An incident book will remain on the premises at all times and will be available to the responsible authorities on request, it will provide details in accordance with the requirements of Hampshire Constabulary.

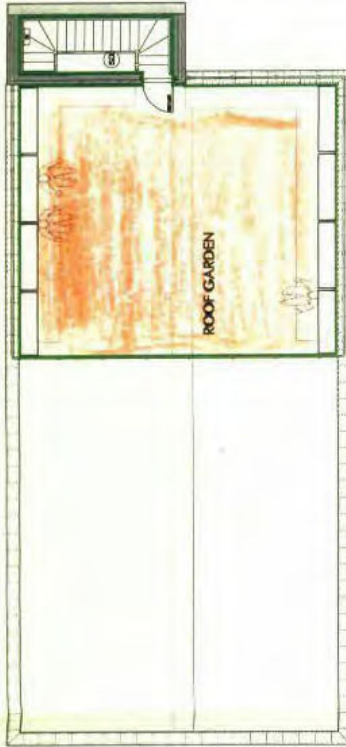
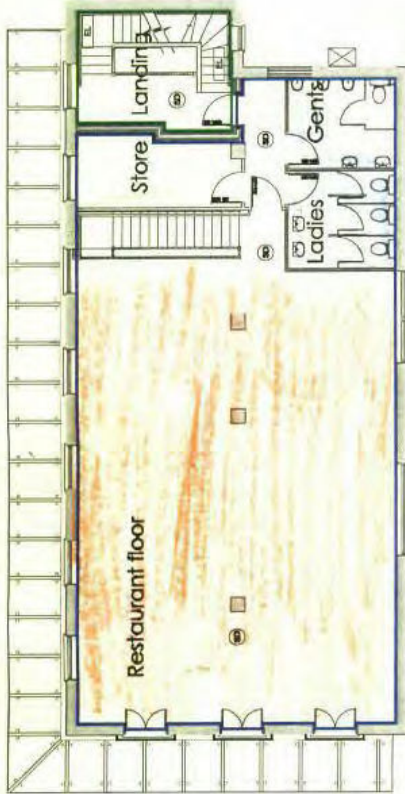
The Applicant will ensure that staff are trained regarding appropriate precautions to prevent the sale of alcohol to persons who may be not of age. Records will be kept of such training, signed and dated by the member of staff such training will be as a minimum of six monthly. Such records will be available for inspection by the responsible authorities.

Dated this 15 day of June 2012


Paris-Smith LLP
Solicitors for the Applicant

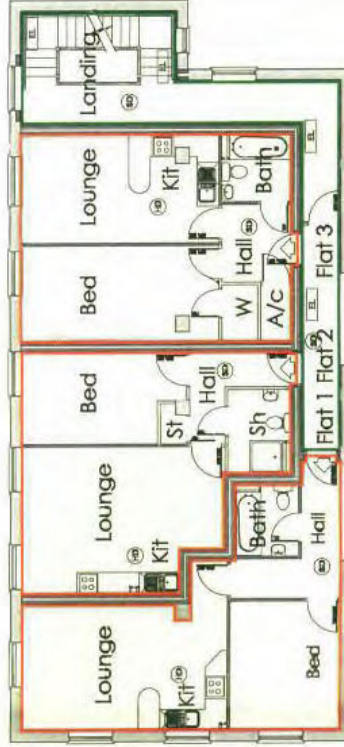
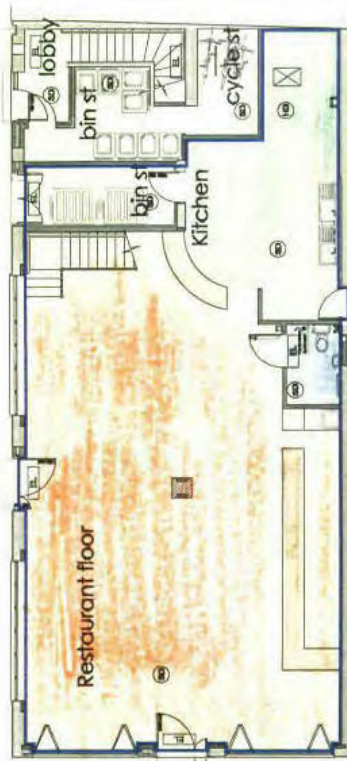
NOTES

- 1) WHEN CONSIDERED BY A PLANNING DEPARTMENT, IT IS THE DRAWING TO SCALE FROM THIS DRAWING.
- 2) WHENEVER POSSIBLE UNITS SHOULD BE SHOWN. ALL ARE APPROXIMATE.
- 3) THESE PARTS ARE TO CHECK YOU HAVE THE LATEST DRAWING BY CONTACTING THE CLIENT.



PROPOSED FIRST FLOOR PLAN

PROPOSED ROOF TERRACE PLAN

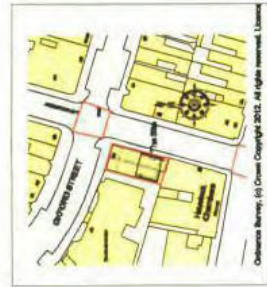


PROPOSED GROUND FLOOR PLAN

PROPOSED SECOND FLOOR PLAN

Legend:

- Restaurant and bar licensed to sell intoxicating liquor
- Shared freehold & amenity space
- Private accommodation space
- KITCHEN
- BAR
- TOILETS
- CONSUMPTION OF ALCOHOL
- SD SMOKE DETECTOR
- HD HEAT DETECTOR



Location plan scale 1/1250



Rev | Date | Details

m maloto property consultants limited
STATUS: Licensing plan
CLIENT: Donya Ltd
PROJECT: Conversion of 50 Oxford St. Southampton. SO14 3DP.
DRAWING TITLE: Proposed Licensing Plan.
SCALE: 1:100 & 1:1250
DATE: 28/06/17
AUTHOR: MABC
REV:

Licensing Team
Southampton City Council

DX 115710 - SOUTHAMPTON 17

Our ref
Your ref
Date
Direct line
Direct fax
Email

CGM/mcm/96143/6

20 June 2012

Dear Sirs

Application for a Premises Licence
Mr F. Panjganj - 50 Oxford Street, Southampton

We write further the above and the recent application.

We have been informed by our client, that it is no longer his intention to use the roof terrace as an area for the consumption of alcohol, this will be restricted to users of the flats only, and not for patrons of the establishment.

Yours faithfully


Paris Smith LLP

O:\CLIENTS\96143\WCORRES\2012\620_CGM\MCM\LET\LICENSING_165206.DOC

Number 1 London Road Southampton Hampshire SO15 2AE

t: 023 8048 2482 f: 023 8063 1835

DX 38534 SOUTHAMPTON 3

e: info@parissmith.co.uk www.parissmith.co.uk



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A list of members is available for inspection at the registered office address shown above.
Paris Smith is a trading style of Paris Smith LLP which is a Limited Liability Partnership.
Registered in England number OC308962

[REDACTED]

Subject: FW: Application for a Premises License, Donya Limited - 50 Oxford Street Southampton.

Attachments: Response from applicant.TIF

Good Morning

This is to confirm that we have no objections to the above application. The applicant has confirmed the following:

The licence is for on sales only

The roof terrace will only be used by the occupants of the flats and not open to the public and they have agreed to the following conditions as listed below.

CCTV

Training

Challenge 25

Refusals book

Incident book

Regards

Sarah

PC 21071 NORRIS

Western Licensing Team

DDI 02380 674768

[REDACTED]

Subject: Application for a Premises License, Donya Limited - 50 Oxford Street Southampton:

Your Ref: CGM/mcm/96143/6

Sir,

I am the police licensing officer for the city centre area of Southampton and I have received the application you have submitted for Donya Limited, 50 Oxford Street Southampton. We are currently awaiting a response from the local beat team for the area for their opinion on the application and their response will guide us on whether we wish to make representations or not.

Whilst I await that response I wanted to make contact with yourselves about the application and ask that you clarify a few things.

With reference to the roof terrace is there going to be music played and if so what time will this cease.

To access the roof terrace patrons are going to have to go past the second floor where the flats are going to be situated. Are the flats going to be privately rented or will they be used for staff?

The application states that the supply of alcohol will be for consumption **on** the premises however the operating schedule states that the application provides for consumption both **on** and **off** the premises.

There are numerous steps that you have outlined that you intend to take to promote the four licensing objections and I would ask that you consider the conditions that we currently advise to support the licensing objectives. The below is the current wording that we put forward with regards to conditions, they may seem rather lengthy but this is due to a Home Office visit last year. On their attendance they looked at our license conditions and stated that we could not use "to the reasonable satisfaction of Hampshire Constabulary" as this was not fair to the license holder to know what was to our satisfaction. This has then meant that we have detailed exactly what we expect from each condition

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.

Training

Staff will be trained regarding appropriate 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 should 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. Training records will be kept on the licensed premises to which they relate to

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.

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.

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, injury, id seizure or drug misuse 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.

If you have any questions or queries then I am contactable on 02380 674768 or by e-mail

Sarah
PC 21071 NORRIS
Western Licensing Team
DDI 02380 674768

Regulatory Services Division
Southampton City Council
Floor 5
One Guildhall Square
Southampton
SO14 7FP

Direct dial: 023 8091 7584
Fax: 023 8083 3079
Email: peter.wainwright@southampton.gov.uk

Please ask for: Peter Wainwright
Our ref: 2012/01342/01SPRN

Licensing Authority
Southampton City Council
Southbrook Rise
4 – 8 Millbrook Road East
Southampton
SO15 1YG

28th June 2012

Dear Sir/Madam,

Licensing Act 2003
50 Oxford Street, Southampton

I refer to the application for a new premises licence, dated 15th June 2012, for the above premises.

There are concerns about the likelihood of public nuisance (noise nuisance) from live music as there are no control measures detailed in the application which would protect any future occupiers of the proposed apartments on the top floor of the building and residents in the vicinity of Oxford Street/ Latimer Street, Southampton.

In light of these concerns I am making a formal representation, on behalf of the Environmental Health Service, in relation to one of the licensing objectives: namely the prevention of public nuisance.

Should you need any further clarification concerning this matter then please do not hesitate to contact me.

Yours sincerely

Peter Wainwright
Environmental Health – Principal Environmental Health Officer

McGuinness, Ian

From: [REDACTED]
Sent: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: 2012/01342/01SPRN - Comments

Dear sir,

I believe there is a licensing application from Donya regarding 50 Oxford St which I would like to comment on. Application 2012/01342/01SPRN.

I am an Oxford Street resident and since the opening of Cargo the noise in our street has increased dramatically with loud music playing until midnight frequently on Friday, Saturday and Sunday evenings and many people outside in the street with the obvious noise and disturbance.

I believe the license requested by Donya for 50 Oxford St would allow loud music, live music and other entertainment until 2pm every night of the week. I believe this to be excessive and unnecessary and as a local resident (the property is only 20 yards from my house) I object to the disturbance from loud music continuing beyond midnight and the accompanying disturbance from customers leaving the premises late at night with taxis and cars arriving and departing from outside the premises.

When I moved to Oxford St 6 years ago the Northern section (above Latimer St) had 3 restaurants (Prezzo, Charlie Chans and Willows) it was quiet by 11pm and we were told that the council wanted to encourage residential ownership in that section of Oxford St. Since then Willows has been replaced by Cargo, the Booth Centre has re-opened and with the prospect of another busy late night bar/club opening I am concerned that the whole nature of this part of the street is changing and will not be suitable for residential occupation.

I see the application talks about sound proofing and so on in order to reduce noise levels but as the renovations include large patio doors at the front it is obvious that these will be open during the summer months and there will be no soundproofing effect at all - which is exactly the situation with Cargo at present.

I would request that the license is limited to midnight on all evenings and that license period be limited to 3-6 months so that a review be made based on the actual noise levels experienced.

Best regards,

David Carter

17 Oxford St, Southampton SO14 3DJ
[REDACTED]



Sent: 17 July 2012 14:35
To: Licensing
Subject: 50 Oxford Street
Good Afternoon,

I was wanting to raise an objection to the license being applied for at 50 Oxford street. It is out of keeping to have a nightclub open until 2 am in a residential street.

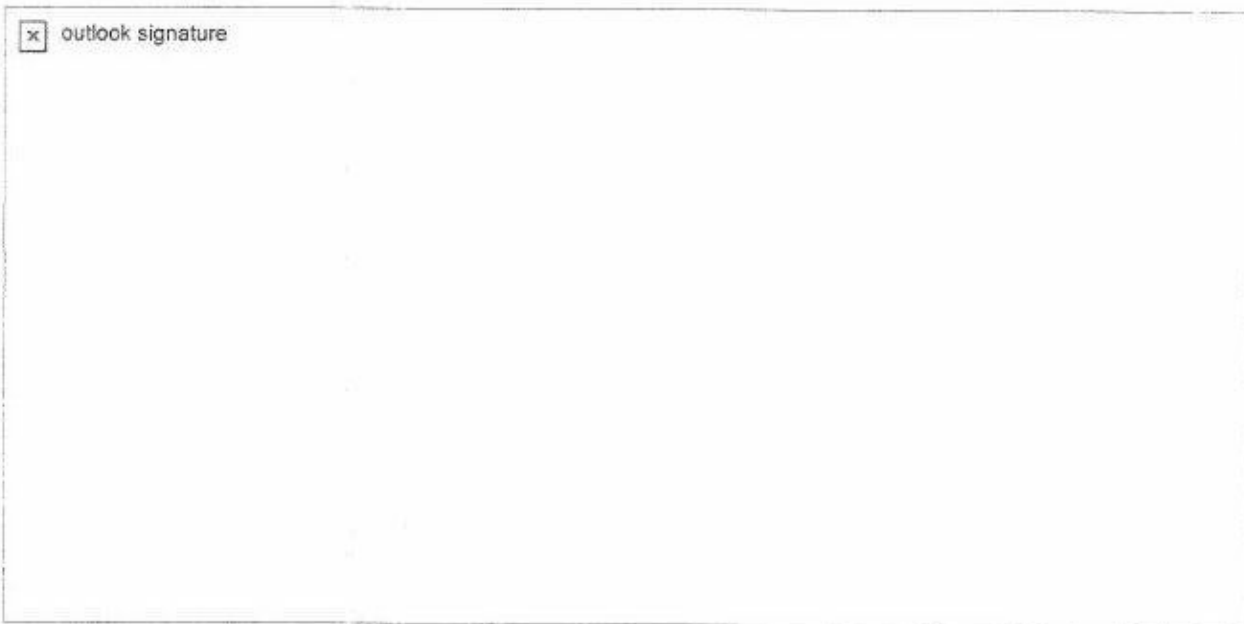
To what address should I write. ?

Is it enough to state that we are concerned by the increase in noise, especially after Cargo's licence sees a lot of noise at the weekends behind Oxford street and that is only until 11pm but still wakes up my 4 year old son who complains of what he calls drunken idiots.

Should I carry out a noise survey?

Kind Regards

Duncan Russell
12 Oxford Street.



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12 Oxford Street
Southampton,
SO14 3DJ.
4th August 2012

Hayley Montague
Licensing Enforcement Officer
Legal, HR and Democratic Services
Southampton and Eastleigh Licensing Partnership
Southampton City Council

Re: 50 Oxford Street Licence Application

Dear Hayley Montague,

I would like to make a representation regarding the proposed license application at 50 Oxford Street.

My representation is based upon the following concerns:-

1. The prevention of crime and disorder;

Oxford Street is a residential area with restaurants. We have lived at number 12 Oxford Street since 1997 and noticed a significant increase in noise and disorder in recent years. Willow restaurant has become Cargo a pub/restaurant that has a licence until 11pm although recently this seems to have become midnight some evenings. Since the opening of Cargo, we have seen an increase in public disorder including seeing men urinating on our railings right in front of our sitting room window. I fear a further increase in disorder if 50 Oxford street were granted a licence for music and dancing, let alone a licence until 2 am every night.

We have already had to move our son's bedroom to the back of the house so that he does not have to hear the language shouted in the street in the evenings.

2. The prevention of public nuisance

The presence of Cargo has seen an increase in public nuisance, from noise and bad language, and vomit on our steps and on the pavement. It would seem inevitable that all these will increase from what is likely to be a nightclub with a licence for alcohol, music and dancing for extended hours 7 days a week. This is totally unacceptable in a residential area.

3. The protection of children from harm.

There are a number of young children in the area. We have had to move our son's bedroom to the back of the house to reduce his exposure to foul language on Oxford Street. Even at the back he is sometimes woken by noise from the beer garden to the rear of Cargo. It is sad that a 4 year old has to be exposed to what he calls 'drunken idiots'. I certainly do not want him to be exposed to more people vomiting on our steps or urinating on our railings.

When the Oxford Street residents association was in existence , any planning application other than for a restaurant was vigorously opposed. In recent years there have been even more families and more young children in the area. It is unacceptable to have a night club in this area.

Dr Duncan Russell & Maria Fernanda Spinelli

Agenda Item 7

Appendix 1

From: LICENSING WESTERN Mailbox
[western.licensing@hampshire.pnn.police.uk]

Sent: 16 July 2012 09:32

To: Licensing

Subject: FW: Application for a Premises License, Donya Limited - 50 Oxford Street Southampton.

Attachments: Response from applicant.TIF

Good Morning

This is to confirm that we have no objections to the above application. The applicant has confirmed the following:

The licence is for on sales only

The roof terrace will only be used by the occupants of the flats and not open to the public and they have agreed to the following conditions as listed below.

CCTV

Training

Challenge 25

Refusals book

Incident book

Regards

Sarah

PC 21071 NORRIS

Western Licensing Team

DDI 02380 674768

From: LICENSING WESTERN Mailbox

Sent: 20 June 2012 11:03

To: 'cliff.morris@parissmith.co.uk'

Subject: Application for a Premises License, Donya Limited - 50 Oxford Street Southampton.

Your Ref: CGM/mcm/96143/6

Sir,

I am the police licensing officer for the city centre area of Southampton and I have received the application you have submitted for Donya Limited, 50 Oxford Street Southampton. We are currently awaiting a response from the local beat team for the area for their opinion on the application and their response will guide us on whether we wish to make representations or not. Whilst I await that response I wanted to make contact with yourselves about the application and ask that you clarify a few things.

With reference to the roof terrace is there going to be music played and if so what time will this cease.

To access the roof terrace patrons are going to have to go past the second floor where the flats are going to be situated. Are the flats going to be privately rented or will they be used for staff?

The application states that the supply of alcohol will be for consumption **on** the premises however the operating schedule states that the application provides for consumption both **on** and **off** the premises.

There are numerous steps that you have outlined that you intend to take to promote the four licensing objections and I would ask that you consider the conditions that we currently advise to support the licensing objectives. The below is the current wording that we put forward with regards to conditions, they may seem rather lengthy but this is due to a Home Office visit last year. On their attendance they looked at our license conditions and stated that we could not use "to the reasonable satisfaction of Hampshire Constabulary" as this was not fair to the license holder to know what was to our satisfaction.

This has then meant that we have detailed exactly what we expect from each condition

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.

Training

Staff will be trained regarding appropriate 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 should 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. Training records will be kept on the licensed premises to which they relate to

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.

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.

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, injury, id seizure or drug misuse 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.

If you have any questions or queries then I am contactable on 02380 674768 or by e-mail

Sarah
PC 21071 NORRIS
Western Licensing Team
DDI 02380 674768

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Agenda Item 8



Reference: 2012/02093/01SPRD

Hearing:

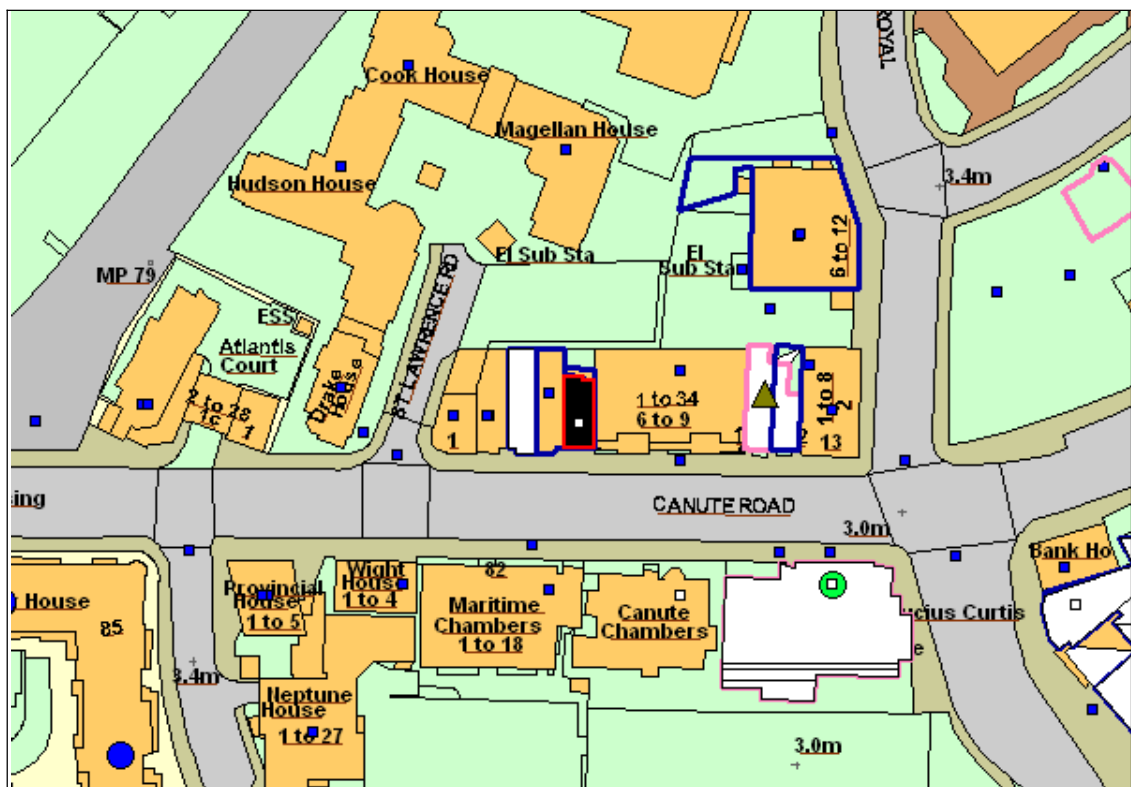
1st November 2012

Variation Application for Premises Licence - DPS Variation

Premises Name: Amurg
Premises Address: 5 Canute Road
Southampton
SO14 3FH

Application Date: 22nd September 2012
Application Received Date: 2nd October 2012

Application Valid Date: 2nd October 2012



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Representations From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Police - Licensing	No	

Legal Implications

1. Where the Police give notice (stating that the Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective and stating their reasons) the authority must –
 - (a) hold a hearing to consider it, unless the authority, the applicant and the Chief Officer of Police who gave the notice agree that a hearing is unnecessary, and
 - (b) having regard to the notice, reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.
2. The decision making panel, in considering an application, must have regard to the notice, adopted Statement of Licensing Policy and any relevant representations of the applicant.
3. An applicant, whose application has been rejected, may appeal against the decision to the Magistrates' Court. Likewise the Chief Officer of Police may appeal against a decision to grant the application.
4. Where an application is granted or rejected, the relevant licensing authority must give a notice to that effect to –
 - (a) the applicant,
 - (b) the proposed individual and
 - (c) the Chief Officer of Police for the police area (or each police area) in which the premises are situated.The notice must state the authority's reasons for granting or rejecting the application. Where the application is granted, the notice must specify the time when the variation takes effect.
5. In considering this application the panel will sit in a quasi-judicial capacity and is thus obliged to consider applications in accordance with both the Licensing Act 2003 (Hearings) Regulations 2005, and amending secondary legislation and the rules of natural justice. The practical effect of this is that the panel must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

The panel must also have regard to:-

6. *Crime and Disorder Act 1998*
Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
7. *Human Rights Act 1998*
The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of Proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affects another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.

Southampton City Council

Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I / we FLORIN ISPAS
(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description

5 CANUTE ROAD

Post town

SOUTHAMPTON

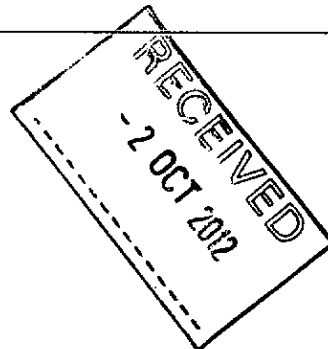
Post code (if known)

SO14 3FH

Telephone number (if any)

Description of premises (please read guidance note 1)

RESTAURANT



2x SOC PREMIS CHARGE 23.00 46.00
SUBTOTAL 46.00
CASH 46.00
TAN
#001-010-5929-0001 02/10/2012 15:52-R

2x SOC PREMIS CHARGE 23.00 46.00

Part 2

* Full name of proposed designated premises supervisor
CARMEN CIOBANU

* Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)
11 / 04753 / LAPERS

Full name of existing designated premises supervisor (if any)
JANA KETRARI

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

Please tick yes

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 2)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature



Date

22.09.2012

Capacity

Owner

For joint applicants signature of 2nd applicant 2nd applicant's solicitor or other authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Guidance notes

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.



**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

Hampshire Constabulary is a responsible authority and wish to make a representation regarding under the Licensing Act 2003, regarding the:

<input type="checkbox"/> 1: Grant for a personal licence	(Object within 14 days)
<input type="checkbox"/> 2: Grant for a temporary event notice (TEN)	(Object within 2 days)
<input type="checkbox"/> 3: Transfer of a premises licence	(Object within 14 days)
<input checked="" type="checkbox"/> 4: Variation of designated premises supervisor	(Object within 14 days)
<input type="checkbox"/> 5: Grant/Variation of a premises licence/club prem' certificate	(Object within 28 days)

Name of Applicant:	Florin Ispas
Name of Proposed DPS:	Carmen Ciobanu

Details of relevant conviction (Personal Licence Applications ONLY)
--

Postal address of premises:	5 Canute Road
Postcode:	SO14 3FH

Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:	
Surname: Reeves	First Names: Karen
Current postal address :	Southampton Central Police Station Southern Road
Postcode:	S015 1AN
Daytime telephone number:	02380 674768
E-mail address: (optional)	western.licensing@hampshire.pnn.police.uk

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003



**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

This application to object relates to the following licensing objective(s)

- 1) The prevention of crime and disorder
- 2) Public safety
- 3) The prevention of public nuisance
- 4) The protection of children from harm

*Please select
one or more
boxes*

Please state the ground(s) for representation:

Hampshire Constabulary object to the application to vary the Designated Premises Supervisor (DPS) to Carmen Ciobanu at the Amrug, 5 Canute Road.

The objection is based on the prevention of crime and disorder objective under the Licensing Act 2003.

Carmen Ciobanu is currently named as the Designated Premises Supervisor at the Romanian Shop, 11 London Road, Portsmouth, PO2 0BQ.

The police do not believe that Carmen Ciobanu is in a position to be in a day to day control and oversee serving of alcohol at both premises and ensure the licensing objectives are being promoted.

It is an offence, under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this representation

Police recommendations (including any conditions)

Signature of Officer Completing

Name ICARAV REEVES

Collar Number: 11185

Signature:

Date: 18-10-12

Signature of Authorising Officer

Name S WOOD

Collar Number: 2117

Signature:

Date: 18/10/12



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