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Licensing (Licensing and Gambling) Sub-Committee

Thursday, 22nd August, 2013 at 9.30 am

PLEASE NOTE TIME OF MEETING

Conference Room 3 - Civic Centre

This meeting is open to the public

Members

Councillor Cunio (Chair) Councillor Parnell Councillor Vassiliou

Contacts

Democratic Support Officer Sharon Pearson Tel: 023 8083 4597

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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

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.

Southampton City Council's Priorities:

- Economic: Promoting Southampton and attracting investment; raising ambitions and improving outcomes for children and young people.
- Social: Improving health and keeping people safe; helping individuals and communities to work together and help themselves.
- **Environmental**: Encouraging new house building and improving existing homes; making the city more attractive and sustainable.
- One Council: Developing an engaged, skilled and motivated workforce; implementing better ways of working to manage reduced budgets and increased demand.

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 2013/14

5 TH DECEMBER
19 TH DECEMBER
2014
16 TH JANUARY
30 TH JANUARY
13 TH FEBRUARY
27 TH FEBRUARY
13 TH MARCH
27 TH MARCH
10 [™] APRIL
24 TH APRIL
8 TH MAY
22 ND MAY

CONDUCT OF MEETING

Terms of Reference

Business to be discussed

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

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

Rules of Procedure

Quorum 3

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

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 fo 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 11 July 2013 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 <u>APPLICATION TO VARY A PREMISES LICENCE - ISIS, 188 ABOVE BAR STREET, SOUTHAMPTON, SO14 7DW</u>

Report of the Head of Legal, HR and Democratic Services detailing an application to vary a premises licence in respect of Isis, 188 Above Bar Street, Southampton, SO14 7DW, attached.

Wednesday, 14 August 2013

HEAD OF LEGAL, HR AND DEMOCRATIC SERVICES



SOUTHAMPTON CITY COUNCIL LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE MINUTES OF THE MEETING HELD ON 11 JULY 2013

<u>Present:</u> Councillors Cunio, Lewzey and Thomas

8. **ELECTION OF CHAIR**

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

9. MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

RESOLVED that the minutes of the meeting held on 13th June 2013 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

10. 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 decision.

11. <u>APPLICATION FOR PREMISES LICENCE - TESCO, 1-5 THORNHILL PARK ROAD, SOUTHAMPTON, SO18 5TP</u>

The Sub-Committee considered the application for a premises licence in respect of Tesco, 1-5 Thornhill Park Road, Southampton, SO18 5TP. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Bark, Solicitor for Applicant, Ms Reid and Mr Colenutt Store Managers and Ms Halford, Resident, representing Mr and Mrs Green, 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 in the terms sought and subject to the operation schedule and the conditions agreed with the police.

After private deliberation the Sub-Committee reconvened and the Chair read the following decision with reasons:

All parties will receive formal written notification of the decision and reasons.

The Sub-Committee considered carefully the application for a premises licence at Tesco Stores, Thornhill Park 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 the residents and the applicant.

It noted that the premises licence holder had agreed conditions with the police in relation to CCTV, Incident book, Refusals book, Challenge 25 and Staff training and that on this basis the Police effectively had no objection. Further, no other responsible authority had made a representation.

In consideration of all the above, the Sub-Committee has determined to grant the application in the terms sought and subject to the operating schedule and the conditions agreed with the police.

REASONS

The Sub-Committee considered very carefully the evidence of the residents relating to the licensing objectives and the potential for problems caused by the premises in this location, but were satisfied that the steps proposed by the operating schedule and the conditions agreed with the police, would be sufficient to address the four licensing objectives. It was further noted that there had been no representations from any of the responsible authorities.

Residents can be reassured by the fact that the Licensing Act 2003 does allow for significant steps to be taken in the event that a premises does cause issues and undermines the licensing objectives in the future. Evidence showing a clear causal link to the premises when operating may be considered and any responsible authority or local residents may initiate a review in the event that issues arise.

The Sub-Committee was impressed by the detail of the application and in particular the fact that tills would be age-prompted, comprehensive training would be provided and the extent of the applicant's alcohol policy generally, along with the number of staff at the premises. Whilst the residential concerns were noted, after careful consideration it was felt that the combination of these measures would address those issues relating to the licensing objectives.

The Sub-Committee were pleased to hear that the applicant was willing to work with the local residents and engage in ongoing dialogue in the future.

The Sub-Committee noted and accepted legal advice given prior to the confidential session.

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

Agenda Item 7



Reference: 2013/01527/01SPRV Hearing: 22nd August 2013

APPLICATION TO VARY A PREMISES LICENCE

Premises Name:

Premises Address:

Isis

188 Above Bar Street

Southampton SO14 7DW

Application Date: Application

Received Date:

4th July 2013 8th July 2013

Application Valid

8th July 2013

Date:



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Representations From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Child Protection Services - Licensing	No Response Received	
Hampshire Fire And Rescue - Licensing	No Response Received	
Environmental Health - Licensing	Yes	
Planning & Sustainability - Building Control - Licensing	Yes	
Public Health Manager	No Response Received	
Planning & Sustainability - Development Control - Licensing	Yes	
Police - Licensing	No	See attached representation
Trading Standards - Licensing	Yes	

Other Representations

Name	Address	Contributor Type
None		

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 major variation of a 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 variation, 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 makes its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

The committee must also have regards 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 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 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.

Southampton City Council

Application to vary a premises licence 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.

(Insert name(s) of applications being the premises licence in	ant) holder, app	- ISIS	nises licence u	nder section 34 of
the Licensing Act 2003 for th	ne premise	s described in P	art 1 below	
Premises licence number	2013/	0378	OISPRT	
Part 1 – Premises Details		1		8.
Postal address of premises	or, if none,	ordnance surve	y map reference	ce or description
188 ABOU			ET	
SOUTHAM	PTO	\vee		
Post town SCUTHA	tarpi	TON	Post code	S01471W
		T	1	
Telephone number at premises		- 1		-1 -2
Non-domestic rateable value of	premises	£ 190		
Part 2 – Applicant details				
Daytime contact telephone number	7.4	- 1		
E-mail address (optional)				
Current postal address if different from premises address	AS	ABOVE		
D			()	P CHILD
Post Town			Postcode	July Control
LA03_Form_Premises_Variation_tcm46-160)848.doc	1	1	13

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day	Month	Year	

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

WE ARE LOCKING TO EXTEND BUR CPENING HOURS UNTIL SIBORM TO BRING OUR LICENSE IN LINE WITH OTHER VENUES OF THIS NATURE.

HAVING SPOKEN TO SEARCHENT NATASHA PRIOR (PREVIOUSLY OUR POLICE LICENSING LIASON OFFICER) WHO HAVING SEEN THE LATEST IMPROVEMENTS TO THE VENUE, CANNOT SEE ANY OBJECTIONS

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend



#-601-010-63462-0001 08/03/2013 12:04-8 IVN

00°06T 00°06T CHEBNE RNB101VF

190,00

LA03_Form Premises Variation_tcm46-160848.doc

2

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Pro	vision of regulated entertainment	Please tick ye	es
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)	5	7
g)	performances of dance (if ticking yes, fill in box G)	Ē.	2
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)		J
Pro	vision 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)]
Prov	vision of late night refreshment (if ticking yes, fill in box L)		N.
Sale	by retail of alcohol (if ticking yes, fill in box M)	abla	1
In al	I cases complete boxes N, O and P		

A

	Plays Standard days and timings (please read		Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
	ce note 6		(please read guidance note 2)	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read gu	uidance note 3)	
Tue					
Wed			State any seasonal variations for performing guidance note 4)	<u>plays</u> (please r	ead
Thur					
Fri			Non standard timings. Where you intend to use for the performance of plays at different times the column on the left, please list (please read	s to those liste	<u>ed in</u>
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	
			J	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read gu	idance note 3)	
Tue					
Wed			State any seasonal variations for the exhibition read guidance note 4)	n of films (plea	ise
Thur					
Fri			Non standard timings. Where you intend to us for the exhibition of films at different times to t column on the left, please list (please read guida	hose listed in	<u>s</u> the
Sat				,	
Sun					

Indoor sporting events Standard days and timings (please read guidance note 6)		nd ead	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 entertainments Standard days and			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
timings (please read guidance note 6)		read	<u></u>	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read gu	idance note 3)	
Tue					
Wed			State any seasonal variations for boxing or wreentertainment (please read guidance note 4)	estling	
Thur				2	
Fri			Non standard timings. Where you intend to us for boxing or wrestling entertainment at differe listed in the column on the left, please list (please list)	ent times to the	ose
Sat			note 5)	-	
Sun					

Live music Standard days and timings (please read			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
	ice note 6		(picase read galdarios rioto 2)	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read gu	idance note 3)	
Tue			and the state of t		
			Art &		
Wed			State any seasonal variations for the performation (please read guidance note 4)	ince of live m	<u>usic</u>
Thur					
Fri			Non standard timings. Where you intend to use for the performance of live music at different to listed in the column on the left, please list (please list)	imes to those	1
Sat			note 5)		
Sun					

Recorded music Standard days and timings (please read		nd	Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
	ce note 6		(produce roda gardanios noto 2)	Outdoors	
Day	Start	Finish		Both	
Mon	10AM	5.20g	Please give further details here (please read gu	idance note 3)	
			EXTEND CURRENT L	CENCE	
Tue	10 AM	5.30M	1 FROM 2:30 AM TO 5:30	AM	
	·		& FROM I AM SUNDAYS TO S	30AM	
Wed	10 AM	5.30pm	State any seasonal variations for the playing o	f recorded mu	ısic
			(please read guidance note 4)		
Thur	10 AM	5:30pm	N/A.		
			•		
Fri	10 Am	5.30mv	Non standard timings. Where you intend to us		<u>s</u>
			for the playing of recorded music at different ti listed in the column on the left, please list (please	mes to tnose ase read guidar	nce
Sat	10 AM	5.20mm	note 5)		
			N/A.		
Sun	10 AM	5.30	11/4.		

Performances of dance Standard days and			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors		
timings	(please rece note 6)	ead	(please read guidance note 2)	Outdoors		
Day	Start	Finish		Both		
Mon	10 AM	5-3A	Please give further details here (please read guidance note 3) EXTEND: CURDENT LICENSE			
Tue	10.AM		TO 5.30 AM - 7 DAYS A WEEK			
Wed	10 AM	5-30AM	State any seasonal variations for the performance of dance (please read guidance note 4)			
Thur	(O.AM	5 30AN	NA			
Fri	10AM	5-30 Am	Non standard timings. Where you intend to use for the performance of dance at different times the column on the left, please list (please read	s to those list	ed in	
Sat	10.AM	5'30m	N/A			
Sun	10AM	5.35AM				

America	And the state of t					
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 entertable providing	ainment you w	<u>/111</u>	
Day	Start	Finish	Will this entertainment take place indoors or	Indoors		
Mon			outdoors or both – please tick (please read guidance note 2)	Outdoors		
				Both		
Tue			Please give further details here (please read guidance note 3)			
Thur			State any seasonal variations for entertainment description to that falling within (e), (f) or (g) guidance note 4)			
Fri						
Sat			Non standard timings. Where you intend to us for the entertainment of a similar description to within (e), (f) or (g) at different times to those li column on the left, please list (please read guida	that falling sted in the	<u>s</u>	
Sun						

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 Will the facilities for making music be		
			indoors or outdoors or both - please tick	Indoors	
			(please read guidance note 2)	Outdoors	닏ㅣ
Day	Start	Finish		Both	
Mon Tue			Please give further details here (please read gu		
Wed			State any seasonal variations for the provision making music (please read guidance note 4)	n of facilities f	<u>for</u>
Thur					
Fri			Non standard timings. Where you intend to u for provision of facilities for making music at those listed in the column on the left, please I	different time:	s to
Sat			guidance note 5)		
Sun				e e	

Provision of facilities for dancing Standard days and timings (please read		nd ead	Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors Outdoors	
guidan	ice note 6)		Both	
			Please give a description of the facilities for da providing	ancing you wi	ll be
Day	Start	Finish	SAME AS CUDRENT LICENSE		
Mon			Please give further details here (please read gu	idance note 3)	
IVIOIT	10 AM	5.30pm	Please give further details here (please read guidance note 3)		
Tue	10 pm	5. DAY	EXTENTION OF CURPENT		
Wed	10 AM	5: 8m	State any seasonal variations for providing dancing facilities		
	10400	00,111	(please read guidance note 4)		_
Thur	10 AM	5:36 _M M	N/A.		
Fri	10 AM	5:30m	Non standard timings. Where you intend to use the premises		
	10 .40		for the provision of facilities for dancing at diff	THE RESERVE AND ADDRESS OF THE PERSON.	~
Sat	10 AM		those listed in the column on the left, please list guidance note 5)	<u>st</u> (please read	
			-		

for ent similar that fa Standa timings	ion of factorizer descript lling with ard days as (please rote 6)	nt of a cion to in i or j nd ead	Please give a description of the type of enterta you will be providing	inment facilit	У	
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick (please read			
Mon			guidance note 2)	Outdoors		
				Both		
Tue			Please give further details here (please read gu	idance note 3))	
Wed						
Thur			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						
Sat			Non standard timings. Where you intend to us for the provision of facilities for entertainment description to that falling within i or j at different listed in the column on the left, please list (please 5)	of a similar ent times to th	ose	
Sun						

L				h	
Late night refreshment Standard days and timings (please read		nd	Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	V
	ice note 6		produce flow (produce flow guidance flow 2)	Outdoors	
Day	Start	Finish		Both	
Mon	10 AM	5. Cam	Please give further details here (please read gu		
Tue	10 Am	5: 30 4m	EXTENTION OF CURRE		
Wed	10 AM	5 8 mm	State any seasonal variations for the provision refreshment (please read guidance note 4)	of late night	
Thur	10 Am	5 AM	N/A.		
Fri	(O son	5.Am	Now standard timings. Where you intend to us for the provision of late night refreshment at d those listed in the column on the left, please li	ifferent times,	to
Sat	10 pm	5 my	guidance note 5)		
Sun	10 an	SAM	1 y AT.		
	13)			

Supply of alcohol Standard days and		nd	Will the supply of alcohol be for consumption (Please tick box) (please read	On the premises	
timings (please read guidance note 6)			guidance note 7)	Off the premises	
Day	Start	Finish		Both	
Mon	10 m	5 _{AM}	State any seasonal variations for the supply of read guidance note 4)	f alcohol (plea	se
Tue	10 AM	5 AM	N/A		
Wed	10 Agu	5 AM			
Thur	10 AM	5 Am	Non-standard timings. Where you intend to use for the supply of alcohol at different times to to column on the left, please list (please read guident)	hose listed in	es the
Fri	10 AM	SAM	* 1/ N		
Sat	10AM	3 AM	N/ H		
Sun	10 AM	5 AM			

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)

C

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)
Day	Start	Finish	1
Mon	IOAM	5.30pm	N/A.
Tue	10 pm	5:3mm	
Wed	10. Au	5.30mm	
Thur	10 pm	5. Bay	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)
Fri	10 pm	5:39m	
Sat	10.00m	5:30m	N/A
Sun	10 pm	5:30 _{em}	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

1		Please tick yes
•	I have enclosed the premises licence	
•	I have enclosed the relevant part of the premises licence	
	you have not ticked one of these boxes please fill in reasons for not including rt of it, below	the licence, or
Re	easons why I have failed to enclose the premises licence or relevant part of pr	remises licence
		i.
1		

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

ALL STAFF ARE STA BADGED.

b) The prevention of crime and disorder

ALL STAFF ARE SIA BADGED

c) Public safety

ALL STAFF ARE SIA BADGED

d) The prevention of public nuisance

ALL STAFF TO B ARE SIA BANGED

e) The protection of children from harm

STRIP CLUB

				Please tick	yes
		syment of the fee			\checkmark
 I have sent of others where 		oplication and the plan to respon	sible authorit	ies and	\checkmark
• I understand	I that I must nov	w advertise my application			~
• I have enclos	sed the premise	es licence or relevant part of it o	r explanation		1
 I understand be rejected 	I that if I do not	comply with the above requirem	ents my appl	ication will	
STANDARD SCA	LE, UNDER SE	N CONVICTION TO A FINE UP ECTION 158 OF THE LICENSIN CONNECTION WITH THIS APP	NG ACT 2003		4
Part 5 – Signatur	r es (please rea	ad guidance note 10)			
	rised agent (pl	rent premises licence holder) ease read guidance note 11). It capacity.			
Signature	- 1	11:			
Date	41-7/2	 2013			
Capacity	DE				
premises licence	e holder) or 2nd	jointly held signature of 2nd a d applicant's solicitor or othe ig on behalf of the applicant p	r authorised	agent (please	ity.
Signature					
Date					
Capacity					
Contact name (w with this applicat	rhere not previ tion (please rea	iously given) and address for ad guidance note 13)	corresponde	ence associat	ed
Post town			Post code		
Telephone numb	er (if any)			L.	
lf you would pref	fer us to corres	spond with you by e-mail you	r e-mail addr	ess (optional)

LA03_Form_Premises_Variation_tcm46-160848.doc



Page 1 of 5

NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

Before completing this form please read the guidance notes on page 3. Once completed please send your representation form to your local Licensing Authority. You must keep a copy of the completed form for police records.

Hampshire Constabulary wish to make a representation(s) regarding the grant or variation of a Premises Licence or Club Premises Certificate issued under the Licensing Act 2003.

These representations must be made within 28 days

		s of premises or club premises:					
	Isis, 188 Above Bar Street						
Post to	own:	Southampton	Postcode:	SO14 7DW			
Name Daniel		nises licence holder or club holding	club premis	ses certificate (if kno	wn)		
Daniel	GIII						
Police :	<u>Details</u>						
Hamps	shire C	onstabulary is a responsible author	ity.				
Name a	and add	lress:					
PC 242 Souther Souther Souther SO15 1	mpton (rn Road mpton	Central Police Station					
This application to object relates to the following licensing objective(s)							
	_	vention of crime and disorder			Please select		
	ublic sa				one or more		
	boxes						





Page 2 of 5

NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

State the ground(s) for representation (please read guidance notes 1 & 2)

This representation relates to Isis Gentleman's Club, which is located in Above Bar Street. The premises is located in one of the areas of Southampton, subject to a policy of cumulative impact as detailed in the present Statement of Licensing Policy 2011-2014, issued by Southampton City Council as the licensing authority.

The area of concern in this particular case is the Above Bar Street Stress Area, which based on evidence previously received by Southampton City Council is one of 5 areas that already suffers cumulative impact. As a result it is appropriate, proportionate and necessary for special policies to address that issue.

As per paragraph 16.7 of the Statement of Licensing Policy, Hampshire Police make representations on the basis that the applicant is applying for a significant variation to the premises existing licence. The applicant has applied to extend the premises licensable activities and opening hours by 3 hours Monday - Saturday and 4.5 hours on a Sunday, with the exception of alcohol which is 2.5 hours Monday - Saturday and 4 hours Sunday. There is no significant evidence that this premises or other individual premises are the sole cause of problems in the area, but it can be evidenced that more incidents occur as a result of the night time economy within the Above Bar Stress Area. This is likely due to the combined impact of all of the licensed premises and activities that occur.

Annex A is a graph showing incidents in 1SW01 (policing area covering Above Bar Street) between 10/04/13 - 10/07/13 for hours between 18:00 and 06:00. Over the past three months there were 144 reported incidents to the police, which included assault, assault police, criminal damage, drug offences, S27/S30 dispersal orders, public order and indecent assault. From the 144 reported incidents, 84 or 58% were reported between 18:00 and 06:00 hours. The remaining 60 incidents or 42% were reported during daylight hours of 06:00 to 18:00 hours. This demonstrates the impact the night time economy has on the area, with the majority of incidents as listed above occurring at night.

From the graph, it is evident that the busiest time for incidents being reported to police is between the hours of 00:00 and 05:00, with it peaking between 02:00 and 04:00 hours. This shows the effect late night opening has in this area and allowing this premises to open later is only going to add to this.

From looking at the operating schedule, the applicant has given little consideration to the additional steps he intends to use in promoting the four licensing objectives. He has stated "ALL STAFF SIA BADGES" under each heading of the four licensing objectives. Under the mandatory conditions, any door staff who maybe used at the premises to guard against unauthorised access or occupation, outbreaks of disorder or damage have to be SIA registered.



Page 3 of 5

NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

I am aware that the applicant spoke with APS Prior who used to be a licensing officer for the City Centre. She has provided a statement (Annex B) in which she confirms that she advised the applicant to make contact with the police licensing department and passed specific officer details. As a department, we always encourage applicants of variations to contact our department prior to completing an application, as does paragraph 7.3 of the Statement of Licensing Policy, but it would appear the applicant chose not to. If a meeting took place, we would have explained the Cumulative Impact Policy and advised of extra steps the applicant could take, which would have assisted with this application and made it stronger. The licence for the premises is out of date and we would have suggested a number of conditions that not only promote licensing objectives, but would assist in the protection of the premises staff and in particular the dancers. Although we would have given advice to make the application stronger, a representation would still have been raised under the grounds of Cumulative Impact for the consideration of the Licensing Committee.

A meeting was held with the applicant on 17th July 2013 to discuss the reasons why police would make a representation. This was then followed up by an email being sent to the applicant from PS Wood (Annex C). The email highlighted certain areas of the Licensing statement which the applicant needed to consider. We have not received any further communication from the applicant.

A visit was conducted at the premises on Saturday 20th July 2013. The venue has been decorated and visually it was an improvement however, during the renovations, the camera which covered the bar area was disconnected. It was noted that this has not been reinstated and this is an area where conflicts can occur. The camera that covered the ground floor back room was also hindered by a red light, producing a red glare across the image. The applicant advised the system was capable of keeping recorded data for 28 days, however due to a fault with the viewing monitor was not able to demonstrate this. It was suggested that he address these issues. The applicant was asked what policy and procedures he had in place for the dancers. A printed policy is on the wall in the dancers changing room, but none of the staff sign to say they will adhere to this. When this was queried, the applicant advised that new dancers sign a dancers letter when they join. This letter does not reiterate any policy or procedure, it contains their personal details and is simply about divulging trade secrets. It was suggested to the applicant that the dancers terms and conditions or policies and procedures should be in a written format and signed by each member of staff confirming their understanding and agreement. In having records of training or policies that staff sign for is not only good practice, but promotes the licensing objectives, namely the prevention of crime and disorder.

The checks conducted at the last visit were basic and yet the need for improvement was recognised. With a significant variation such as this, we would expect the foundations to be in place and the applicant engaging with police, discussing the possibility of new or additional conditions in order to promote licensing objectives. With consideration to paragraph 16.9 of the Statement of Licensing Policy, the applicant has not demonstrated through their Operating Schedule or provided any supporting evidence such as risk assessments that would assure us that if this variation was granted, would not add to the cumulative impact already experienced in the area. Hampshire Constabulary therefore, raise objection to this application.



Page 4 of 5

NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

		10	
State any conditions that the Po		eed for a hearing	
Only if the application was withd:	rawn.		
IT IS AN OFFENCE, UNDER S FALSE STATEMENT IN OR I			
Part 3 – Signatures (please read g	zuidance note 3)		
Recommendation of Police Office			
The applicant has applied for a sign activities including alcohol. I belimpact already experienced in the	eve that if the variation is area. The applicant has no	granted this would add	to the cumulative
schedule that they would not have	any further impact.		
Signature of Police Officer Com	pleting		
	1		
Signature:	- 4		.====
Date: 3			
\vee			

Recommendation of Police Sergeant



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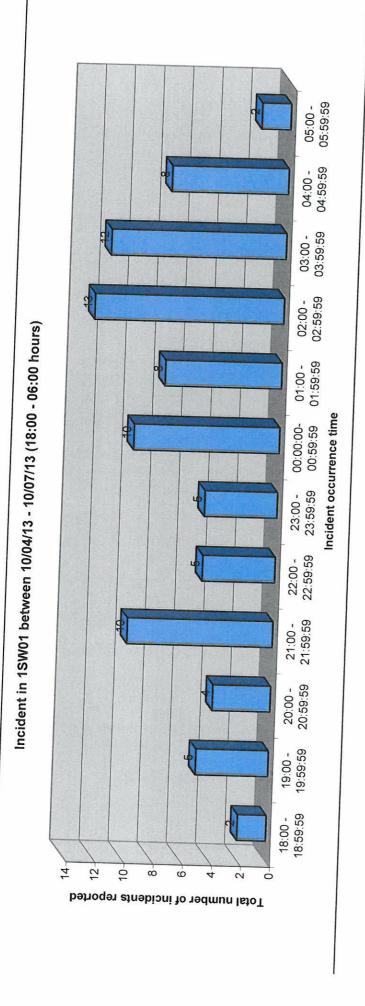
NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

Objection Supported. This proposal would if granted, would contribute to the owner comulative impact, and the venue have yet to demonstrate pully on ability to promote the Licensing objectives.

Signature of	of Police Se	ergeant			
Signature:		- 1			
Date:		31/07	13		
Decision of	Police Lic	ensing Insp	ector		
I Gulk	4 Swan	rt Hace	about the	for the grounds mised, the	Venue
has sho	wn no y importing	capabil tant as (the current was supp	note the licensing objectives into cumulative impact would would be into the control.	which id
Signature o					
Signature:		- 1		ROBERTS	
Date:	01/08	1.13			

NOTES FOR GUIDANCE

- 1. The ground(s) for representation must be based on one of the licensing objectives.
- 2. Please list any additional information or details, for example dates of problems which are included in the grounds for representation if available.
- 3. The representation form must be signed.



PROTECTIVE_MARKING (when complete)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

					,				
					UF	RN:	1	1	1
Statement of:		20 Natasha Prior (if over 18 inser	4						
Age if under 18	8: over 18	'over 18')	Occupation:	Polic	e officer 2092	0			
make it knowin	ng that, if it is te	2 page(s) each sigrendered in evidence, alse, or do not believ	ned by me) is true to the I shall be liable to prose we to be true.	best of my cution if I I	knowledge anave wilfully s	ind belie tated in	ef and	П	
			*						
Signature:				Date:	17/07/13				
· · · · · · · · · · · · · · · · · · ·	TPS 20920 N	atasha Prior							
Tick if witness	evidence is visi	ually recorded	(supply witness	details or	n rear)				
am currently on	n the safer neig rategy (VCS) w	hbourhood investiga reekends dealing wit	or Hampshire Constabula tion team as part of that h disorder outside the pu	role I am i	required to wo	ork som	e of th	ne	
I am providing t	his statement t	o clarify a comment	made by Daniel Gill in a	recent lice	ensing applica	ition wh	ere h	6	
			previously our police lice)
		nue; cannot see any			encentra escentra esc		0		
bar called up a read of the following the fo	refusal on the lip of the given a second as he did not feefusal was becaused as the male asked in the	icensing link radio. Action 27 dispersal. Of eel that the reason for ause the door team of nat there was no crin ale wanted the nam-	ed foot patrol with PC 872 as we were nearby the grone member of the group or their refusal had been were racist. The male waninal complaint I explained of the doorstaff and I enter the premises to obtain the badge number was proving the second of the doorstaff.	oup conce was quite communion inted to med that he ed that he explained he at number	erned we wen calm but ann cated; due to t ake a compla was entitled to e was entitled as he did not	t over to loyed w this he f int abou o make d to the	o ascerith the felt the ut the a badge would	ertain e e only e	•
ncident book in een the new loo	full. I can confi ok premises aft	rm that I do know Da er their refit as I had	l appeared I suggested the aniel Gill from my time or n't he invited me in to ha it was certainly a lot brig	the licens	sing team. He I had a look r	asked ound th	if I ha ne pre	d mises	
	4 2.								
	10.7		Cianatura wita assault.	8					

2006/07(1)

II O 20020 Natasiia I IIOI

Page 2 of 3

PROTECTIVE_MARKING (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)
Continuation of Statement of: TPS 20920 Natasha Prior
décor. It was an amiable conversation and I remember telling him I believed the décor was fully down to his mother, Linda Gill, rather than him.
At this point Daniel Gill stated that he was planning to put in an application to extend his licence and referred to all the TENS applications that he had successfully used. I explained to him at this point that I was no longer on the licensing team and that my best advice was for him to arrange a sit down meeting and for them to come to his premises to discuss the application before submitting it. He asked me who was on the licensing team now and I provided him with PS Simon Wood and PC Jon Harris as the best contacts for him.
Once outside the premises PC Houghton asked if the previous owners still had any input into the premises as they had initially stayed on a the premises. Daniel explained that they were no longer there and that things ran a lot more smoothly now he was in charge. At this point I jokingly asked if he had therefore learnt how to use the CCTV system, he again said everything worked well under his management. I explained that I had made this comment as at a licensing meeting, which was probably over a year ago, I had had with him after he had taken over he had been unable to work the system.
I can confirm that I was impressed with the décor of the premises in comparison with the previous drab dark wall colouring, furniture and layout. I have not, since leaving the licensing team, conducted any licensing visit of the premises to look at the CCTV, Incident Book, Refusal book or any conditions the licence may have. On this basis I am unable to state what improvements the premises has made in relation to the licensing objectives. I was quite clear in explaining I was no longer on the licensing team and in referring him to the licensing department in relation to his application and advising him to arrange a meeting with them.
The following is part of an e-mail that I sent to the licensing team before going off duty that night "Isis wanted me to come to a meeting with them about putting in for an extension as they have been using TENS now for a while to evidence no problems. Dan also wanted to give me a grand tour of the premises. The premises does look smarter with a refit having been done. I have advised Dan to contact yourselves to arrange a meeting.

I PO ZUSZU INALASNA PRIOF

Signature witnessed by:



Page 3 of 3

reference

Witness contact details URN: Home Address: c/o Southampton Central Police Station, Southern Road, Southampton Post Code: **SO15 1AN** Home Telephone No: Work Telephone No: 101 Mobile / Pager No: Email address: Preferred means of contact (specify details): Best time of contact (specify details): ANYTIME BY E-MAIL Gender: Female Date and Place of Birth: 23/12/1980 Taplow Ethnicity Religion / Former name: n/a W₁ Christian Code: Belief: DATES OF WITNESS NON-AVAILABILITY: AS PER CARM Witness Care a) Is the witness willing and likely to attend court? Yes No 🗆 If 'No', include reason(s) on form MG6. b) What can be done to ensure attendance? c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? If 'Yes' submit MG2 with file. Yes No 🛛 d) Does the witness have any particular needs? Yes No 🛛 If 'Yes' what are they? (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?) Witness Consent (for witness completion) a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes No No b) I have been given the Victim Personal Statement leaflet Yes \[\] No \[\] c) I have been given the leaflet 'Giving a witness statement to the police - what happens next?' Yes No No d) I consent to police having access to my medical record(s) in relation to this matter Yes ☐ No ☐ N/A 🖂 (obtained in accordance with local practice): e) I consent to my medical record in relation to this matter being disclosed to the Yes ☐ No ☐ N/A 🖂 defence: I consent to the statement being disclosed for the purposes of civil proceedings if Yes ⊠ No □ N/A □ applicable e.g. child care proceedings, CICA: g) The information recorded above will be disclosed to the Witness Service so that they can offer help and support unless you ask them not to Tick this box to decline their services: \boxtimes Signature of v PRINT NAME Natasha Prior Signature of p PRINT NAME appropriate aquit: Address and telephone number if different from above: Statement taken by: Self Station: Southampton Central

2006/07(1)

1053 hours Southampton Central Police Station

Time and place statement

taken:

Working Sheet

Hampshire Constabulary

Printed: 30/07/2013 17:19 by 24288

Occurrence: 44080524131 Z Prem Licence (Management Occurrence)

Author:

#2117 WOOD, S.

Report time:

24/07/2013 14:03

Entered by: #2117 WOOD, S.

Entered time:

24/07/2013 14:03

Remarks:

email sent to GILL re his variation

Hello Daniel,

With regards to our recent meeting to discuss why we will be objecting to your application to increase your hours this summary of the meeting may be of help to you.

The meeting started with me showing you the Southampton City Councils Licensing Policy and confirming with you that you had read it and understood it. You confirmed this for me. I then pointed out that you had not answered the concerns clearly laid out in the policy relating to the CIP and that you needed to answer these in the relevant sections in your application. Your application simply states "all staff SIA badges". This means nothing whatsoever and falls far short of what the Licensing panel would expect to see.

You spoke in depth about Café Parfait club and your concerns with them. We tried to say that each club is judged on its own merits and without looking into every incident we couldn't comment but you spent a lot of time going back to this club.

I then spoke about the perceived relationship that you have with the police. The fact that a number of police officers have found you to be rather dismissive, disinterested and arguementative when they have attended your premises for various reasons. We discussed this as you felt otherwise although we did not reach an agreement on this.

The conversation then moved to what the way forward should be. My suggestion was that you withdraw the current application, read the SCC policy document that I gave you a copy of and then write out another application but bring it to us to discuss it prior to submitting it. You do not have to do this it is only my suggestion.

So, where do we stand at the moment. With the current application still active we are working towards putting in an objection based around the fact that you are in a CIP area and that the extension you are asking for is a major variation which will have a negative impact on the CIP. You have not put anything in place to satisfy any of the relevant authorities that you have an operating schedule that will alieviate the impact you will have on the CIP and to promote the licensing objectives. Also, our current relationship with you is not ideal as we do not get the impression that we have been able to work with you in order to achieve the

Printed by: 24288 Date: 30/07/2013 17:19 Computer: SC056 Page 1 of 3

goals laid out in the Licensing Act.

I feel that you have two options.

The first is to just let the application go through, we will object and it will go to a hearing in front of the Licensing Panel and they will listen to our representations and you will get a chance to have your say and respond to any questions that arise.

The second option that you have, and this would be my recommended option, is that you withdraw the current application. Read through the Licensing Policy that I gave you and take particular notice of this list of paragraphs. It is a long list but it is from a long document and the matters are rather complex. The document should be read as a whole and not just the highlighted paragraphs.

Para ref;		
2.9		
2.16		
2.18		
6.1		
6.2		
6.3		
7.3		
The whole of section 8		
9.2		
9.3		
The whole of section 10		
12.4		
16.1		
16.2		
16.6		
16.7		
16.8	- 1	

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16.9

16.13

16.14

Having read the document you will then need to write out an operating schedule to cover all the points raised by the Council in their policy. When you resubmit your application you will need to refer section P to your operating schedule document as this covers the Licensing objectives and the concerns should be covered in the document you provide. The onus is on the applicant to show that they will NOT have a negative impact on the CIP.

I must stress though, that as you are in a CIP area we will most likely still object to it so that the Council can take a view on the CIP as it is their policy. However, if you have submitted a strong application you will greatly increase your chances and our objection would be made on the CIP alone.

I hope that you find this e mail to be of assistance to you in making a decision regarding making an application. After you have considered it and wish to proceed, write out an operating schedule answering the concerns of the policy document then make an appointment with my team and we will see if we can advise you where you need to tighten up on your own policies before submitting the fresh application.

We will continue with the current application until we hear that you have withdrawn it. We will not be submitting our objection to that application until the 5th August this year.

Regards

PS 2117 WOOD /|\
Alcohol Harm Reduction and Licensing Team,
Southampton Central Police Station, Southern Road,
Southampton. SO15 1AN

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