

Licensing (Licensing and Gambling) Sub-Committee

Tuesday, 29th April, 2014
at 9.30 am

PLEASE NOTE TIME OF MEETING

Council Chamber, Civic Centre

This meeting is open to the public

Members

Councillor Mrs Blatchford
Councillor Cunio
Councillor Fitzhenry

Contacts

Democratic Support Officer
Karen Wardle
Tel: 023 8083 2302
Email: karen.wardle@southampton.gov.uk

Head of Legal and Democratic Services
Richard Ivory
Tel. 023 8083 2794
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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 from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

Smoking policy

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

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.

Mobile Telephones –

Please turn off your mobile telephone whilst in the meeting.

Dates of Potential Meetings Municipal Year 2013/14

2013	5TH DECEMBER
13TH JUNE	19TH DECEMBER
27TH JUNE	2014
11TH JULY	16TH JANUARY
25TH JULY	30TH JANUARY
8TH AUGUST	13TH FEBRUARY
22ND AUGUST	27TH FEBRUARY
5TH SEPTEMBER	13TH MARCH
19TH SEPTEMBER	27TH MARCH
3RD OCTOBER	10TH APRIL
17TH OCTOBER	24TH APRIL
7TH NOVEMBER	29TH APRIL
21ST NOVEMBER	8TH MAY
	15TH MAY

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 and Licensing Act 2003 (Hearings) Regulations 2005.

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 Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY 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 an, '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 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 parties to the hearing, 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.

6 OBJECTION BY HAMPSHIRE CONSTABULARY TO TEMPORARY EVENT NOTICE ON 3 MAY 2014 - WOOLSTON SOCIAL CLUB, 32 VICTORIA ROAD, SOUTHAMPTON SO19 9DX

Report of the Head of Legal and Democratic Services detailing the objection by Hampshire Constabulary to Temporary Event Notice on 3 May 2014 in respect of Woolston Social Club, 32 Victoria Road, Southampton SO19 9DX, attached.

NOTE

These items are to be heard under the Licensing Act 2003. The Licensing Act 2003 (Hearings) Regulations 2005 require the hearing to be commenced no later than seven working days after the period in which the Police may object; the Regulations also require that no less than two working days notice be given to the Hearing.

For the avoidance of doubt, the provisions of the Licensing Act 2003 replace those of the Localism Act 2011 in respect of periods of notice and proceedings for the Licensing (Licensing and Gambling) Sub-Committee's business.

7 OBJECTION BY HAMPSHIRE CONSTABULARY TO TEMPORARY EVENT NOTICE ON 27 MAY 2014 - WOOLSTON SOCIAL CLUB, 32 VICTORIA ROAD SOUTHAMPTON SO19 9DX

Report of the Head of Legal and Democratic Services detailing the objection by Hampshire Constabulary to Temporary Event Notice on 27 May 2014 in respect of Woolston Social Club, 32 Victoria Road, Southampton SO19 9DX, attached.

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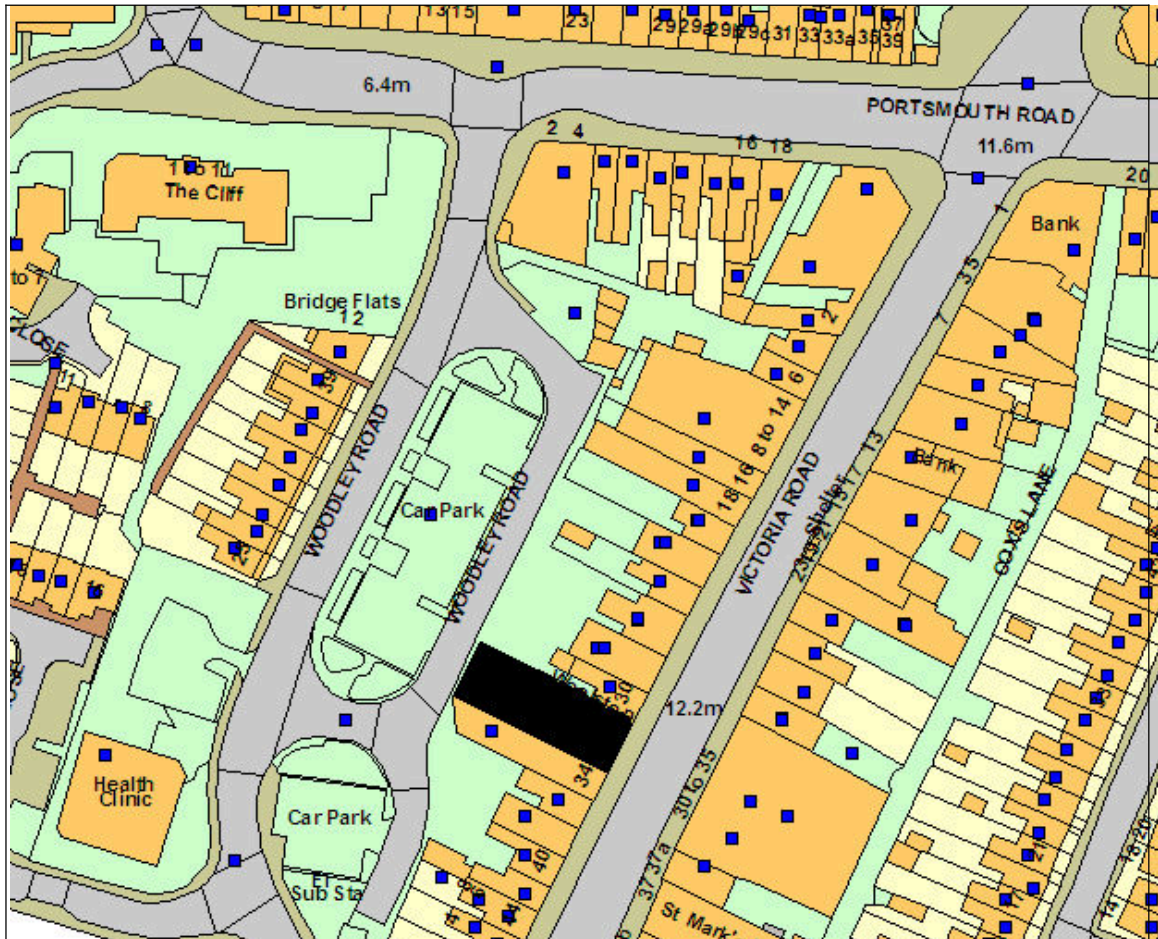
Thursday, 24 April 2014

HEAD OF LEGAL AND DEMOCRATIC SERVICES



POLICE OBJECTION TO TEMPORARY EVENT NOTICE

Premises Name: **Woolston Social Club**
 Premises Address: 32 Victoria Road Southampton SO19 9DX
 Temporary event dates: 18:00 3rd May 2014 to 23:59 3rd May 2014
 Notice Date: 8th April 2014
 Notice received on: 14th April 2014
 Reference: 2014/03636/04STEN
 Hearing Date: 29 April 2014



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Objection from Police

Responsible Authority	Grounds	Comments
Hampshire Constabulary	The prevention of crime and disorder The protection of children from harm	

Legal Implications

1. Part 5 of the Licensing Act 2003 restricts objections to temporary event notices (TENs) to the Police. The Police may only object on the ground that they are satisfied that allowing the premises to be used in accordance with the notice would undermine the crime prevention objective.
2. In such circumstances, the Police must give an objection notice to the Council and the premises user stating the reasons why they are so satisfied within 48 hours of receiving the TEN from the premises user.
3. The Police and the premises user may agree modifications to the temporary event notice and the Police will then send the modified TEN to the premises user and a copy to the Council. The Police objection must then be treated as withdrawn.
4. Unless the premises user, Police and the Council agree that a hearing is unnecessary, or the TEN is modified as indicated above, the Council is then required to:
 - a. hold a hearing to consider the objection notice, and
 - b. give the premises user a counter notice under section 105 of the Licensing Act 2003, if, having regard to the objection notice, the Council considers it necessary for the promotion of the crime prevention objective. Such counter notice would have the effect of cancelling the TEN.
5. The sub-committee may consider only the crime prevention objective in these circumstances; the other three objectives specified by the Licensing Act 2003 (public safety, the prevention of public nuisance and the protection of children from harm) may not be considered.
6. Such a hearing must be concluded, and notice of the decision given to the premises user and the Police, no later than 24 hours before the temporary event is due to commence.
7. The sub-committee, in considering the Police objection to the TEN, must have regard to the adopted Statement of Licensing Policy and evidence before it at the hearing.
8. The Licensing Act 2003 does not make provision for any appeal against the sub-committee's decision to give, or not to give, a counter notice.
9. In considering this application the sub-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 sub-committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.
10. Copies of the TEN and the Police objection are annexed to this report.
11. The sub-committee must also have regard to:-
12. *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.

13. *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.

Temporary Event Notice

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

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	OAKLEY
Forenames	SUZANNE LESLEY
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	SMITH
Forenames	SUZANNE LESLEY
3. Your date of birth	
4. Your place of birth	
5. National Insurance Number	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
32 VICTORIA ROAD WOOLSTON	
Post town	SOUTHAMPTON
Post code	SO19 9DX
7. Other contact details	
Telephone numbers	
Daytime	
Evening (optional)	—
Mobile (optional)	—
Fax number (optional)	
E-Mail Address (if available)	
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
Post town	
Post code	



9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)	
WOOLSTON SOCIAL CLUB 32 VICTORIA ROAD WOOLSTON SOUTHAMPTON SO19 9DX	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	
Club premises certificate number	2005/00094/03SCLC
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
SOCIAL CLUB	
Please describe the nature of the event below. (Please read note 5)	
30 th BIRTHDAY PARTY (MEMBER'S DAUGHTER - IN - LAW)	

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input checked="" type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	
SATURDAY 3RD MAY 2014	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)	
18:00 - 00:00	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)	180
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11)	On the premises only <input checked="" type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input type="checkbox"/>

4. Personal licence holders (Please read note 12)	
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If "Yes" please provide the details of your personal licence below.	
Issuing licensing authority	
Licence number	
Date of issue	
Date of expiry	
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 13)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year	1	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 14)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 15)**I shall (Please mark the appropriate boxes with an "X")**

Send at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Make or enclose payment of the fee for the application	<input checked="" type="checkbox"/>
Sign the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 16)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 17)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

- (i.) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
- (ii.) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Signature	
Date	8/4/14
Name of Person signing	MRS SUZANNE L. OAKLEY.

For completion by the licensing authority

10. Acknowledgement (Please read note 18)

I acknowledge receipt of this temporary event notice.

Signature	On behalf of the licensing authority
Date	
Name of Officer signing	



**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 | <input checked="" type="checkbox"/> | |
| 2) Public safety | <input type="checkbox"/> | <i>Please select
one or more
boxes</i> |
| 3) The prevention of public nuisance | <input type="checkbox"/> | |
| 4) The protection of children from harm | <input checked="" type="checkbox"/> | |

Please state the ground(s) for representation:

Hampshire Constabulary object to 2 Temporary Event at Woolston Social Club, 32 Victoria Road, Southampton SO19 9DX. 1 event on 3rd May 2014 1800-0000 hrs for a 30th Birthday Party and the other on 27th May 2014 to hold a wedding reception.

This objection is based on the prevention of crime and disorder and to protect children from harm objective under the Licensing Act 2003.

On 3rd January 2014 the Club Premises were using a TEN for the hours 1200-1800 for a Funeral Wake for licensable activities, for the sale by retail of alcohol and regulated entertainment. Police were called to a disturbance at Woolston Social Club around 2100 hrs, 3 hours after the expiry of the TEN. It was alleged that a fight has ensued between a number of non-member adults inside the club, initially, two women were fighting on the dance floor and a second fight had broken out nearby between two males. Furniture had been thrown and a male picked up a snooker cue as a weapon and threatening others with it.

Non-members of the club were involved in the fights and children were present at this time, therefore the Club were in breach of their Club Premises Licence. The President was unable to make a witness statement on the evening due too being too intoxicated.

Whilst police were investigating this allegation, bar staff would not assist and provide witness statements to the police to support the offence of Affray, due to being in fear of future repercussions. Suzanne Oakley and the treasurer also supported the fact that the staff were in fear of providing evidence. This lack of commitment does not show that the licensing objectives are being upheld.

Licensing Officers attended the premises to obtain CCTV footage; there were some issues with the times/names of the files meaning that the player had problems playing the footage in an ordered fashion. The CCTV was not surrendered immediately on request as per the Clubs Premises licence condition and no one was able to operate the system. Also whilst at the premises the incident book was checked, it showed no record of the incident on 3rd January and they do not have any formal training in place for staff members.

On speaking with Suzanne Oakley on the telephone on 15th April, she advised that she has



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

found the CCTV instructions manual and that it is all up and running and works over 24hrs. She has also risk assessed the proposed TEN events and advised that due the people involved are family members of the Club members therefore, as a low risk event there is no need for measures to be put in place. However, they would put a staff member on the door as they could not afford to use a SIA door supervisor. This will only be in the capacity to allow access. On the 03/01/2014 the President of the Committee was in place as a door supervisor allowing access, which did not prevent this incident occurring. Therefore we cannot be certain that this method will be effective again.

The previous TEN incident on 3rd January 2014 has left police with concerns with the running of future events after breach of a TEN and Club Premises Licence. With the lack of support from staff and committee members as well as young children being present raises further concern should any further incidents occur. It appears clearly that the committee have not learnt from this incident and are not prepared to do anything prevent a reoccurrence.

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)

Police would recommend that SIA door be present throughout the duration of TENs and other than a CCTV condition, there a no other conditions on the Club Premises Licence which will reduce the concerns raised by Police, where the sale of alcohol by retail is requested.

Signature of Officer Completing

Name Karen Reeves Collar Number: 11185
Signature: _____ Date: 16/04/2014

Signature of Authorising Officer

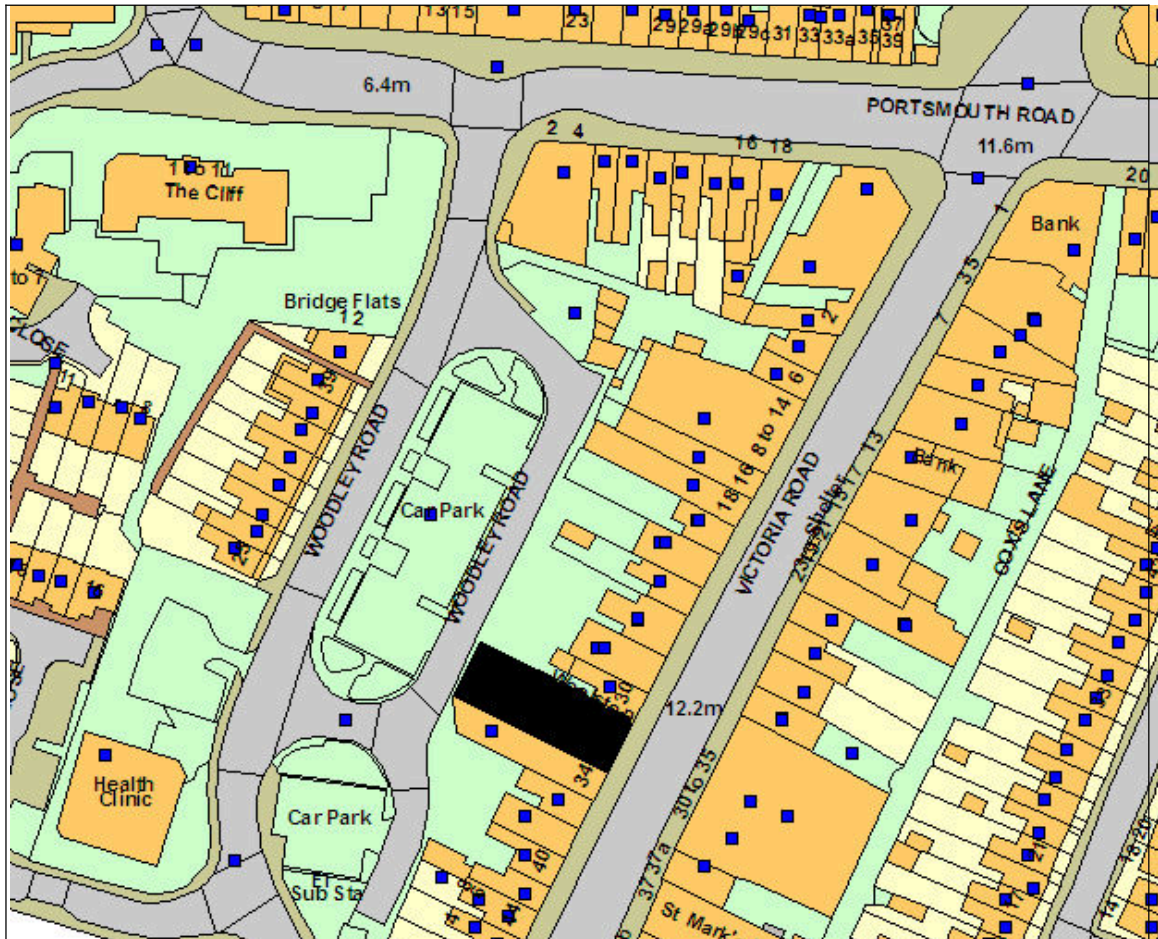
Name PS Wood Collar Number: 2117
Signature: _____ Date: 16/04/14

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POLICE OBJECTION TO TEMPORARY EVENT NOTICE

Premises Name: **Woolston Social Club**
 Premises Address: 32 Victoria Road Southampton SO19 9DX
 Temporary event dates: 15:30 27th May 2014 to 23:30 27th May 2014
 Notice Date: 8th April 2014
 Notice received on: 14th April 2014
 Reference: 2014/03635/04STEN
 Hearing date: 29 April 2014



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Objection from Police

Responsible Authority	Grounds	Comments
Hampshire Constabulary	The prevention of crime and disorder. The prevention of children from harm.	

Legal Implications

1. Part 5 of the Licensing Act 2003 restricts objections to temporary event notices (TENs) to the Police. The Police may only object on the ground that they are satisfied that allowing the premises to be used in accordance with the notice would undermine the crime prevention objective.
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 - a. hold a hearing to consider the objection notice, and
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8. The Licensing Act 2003 does not make provision for any appeal against the sub-committee's decision to give, or not to give, a counter notice.
9. In considering this application the sub-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 sub-committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.
10. Copies of the TEN and the Police objection are annexed to this report.
11. The sub-committee must also have regard to:-
12. *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.

13. *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.

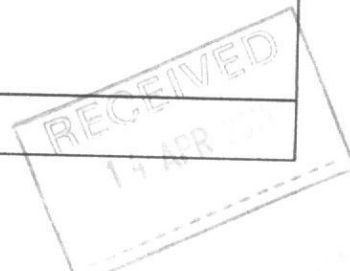
Temporary Event Notice

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

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	OAKLEY
Forenames	SUZANNE LESLEY
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	SMITH
Forenames	SUZANNE LESLEY
3. Your date of birth	_____
4. Your place of birth	_____
5. National Insurance Number	_____
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
32 VICTORIA ROAD WOOLSTON	
Post town	SOUTHAMPTON
Post code	SO19 9DX
7. Other contact details	
Telephone numbers Daytime	_____
Evening (optional)	_____
Mobile (optional)	_____
Fax number (optional)	_____
E-Mail Address (if available)	_____
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
Post town	
Post code	



9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

2. The premises

Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references)
(Please read note 2)

WOOLSTON SOCIAL CLUB
32 VICTORIA ROAD
WOOLSTON
SOUTHAMPTON SO19 9DY

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number

Club premises certificate number 2005 / 00094 / 03 SCLC

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

Please describe the nature of the premises below. (Please read note 4)

SOCIAL CLUB

Please describe the nature of the event below. (Please read note 5)

WEDDING RECEPTION (FOR
A MEMBER'S FAMILY & FRIENDS)

3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol	<input checked="" type="checkbox"/>	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input checked="" type="checkbox"/>	
The provision of regulated entertainment	<input checked="" type="checkbox"/>	
The provision of late night refreshment	<input type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
TUESDAY 27 th MAY 2014		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)		
15:30 - 23:30		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)	180	
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>
4. Personal licence holders (Please read note 12)		
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority		
Licence number		
Date of issue		
Date of expiry		
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 13)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year	2	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 14)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 15)	
I shall (Please mark the appropriate boxes with an "X")	
Send at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Make or enclose payment of the fee for the application	<input checked="" type="checkbox"/>
Sign the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 16)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 17)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
<ul style="list-style-type: none"> (i.) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and (ii.) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both. 	
Signature	
Date	8/7/14
Name of Person signing	MRS SUZANNE L. OAKLEY

For completion by the licensing authority	
10. Acknowledgement (Please read note 18)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	



**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 | <input checked="" type="checkbox"/> | |
| 2) Public safety | <input type="checkbox"/> | <i>Please select
one or more
boxes</i> |
| 3) The prevention of public nuisance | <input type="checkbox"/> | |
| 4) The protection of children from harm | <input checked="" type="checkbox"/> | |

Please state the ground(s) for representation:

Hampshire Constabulary object to 2 Temporary Event at Woolston Social Club, 32 Victoria Road, Southampton SO19 9DX. 1 event on 3rd May 2014 1800-0000 hrs for a 30th Birthday Party and the other on 27th May 2014 to hold a wedding reception.

This objection is based on the prevention of crime and disorder and to protect children from harm objective under the Licensing Act 2003.

On 3rd January 2014 the Club Premises were using a TEN for the hours 1200-1800 for a Funeral Wake for licensable activities, for the sale by retail of alcohol and regulated entertainment. Police were called to a disturbance at Woolston Social Club around 2100 hrs, 3 hours after the expiry of the TEN. It was alleged that a fight has ensued between a number of non-member adults inside the club, initially, two women were fighting on the dance floor and a second fight had broken out nearby between two males. Furniture had been thrown and a male picked up a snooker cue as a weapon and threatening others with it.

Non-members of the club were involved in the fights and children were present at this time, therefore the Club were in breach of their Club Premises Licence. The President was unable to make a witness statement on the evening due too being too intoxicated.

Whilst police were investigating this allegation, bar staff would not assist and provide witness statements to the police to support the offence of Affray, due to being in fear of future repercussions. Suzanne Oakley and the treasurer also supported the fact that the staff were in fear of providing evidence. This lack of commitment does not show that the licensing objectives are being upheld.

Licensing Officers attended the premises to obtain CCTV footage; there were some issues with the times/names of the files meaning that the player had problems playing the footage in an ordered fashion. The CCTV was not surrendered immediately on request as per the Clubs Premises licence condition and no one was able to operate the system. Also whilst at the premises the incident book was checked, it showed no record of the incident on 3rd January and they do not have any formal training in place for staff members.

On speaking with Suzanne Oakley on the telephone on 15th April, she advised that she has



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

found the CCTV instructions manual and that it is all up and running and works over 24hrs. She has also risk assessed the proposed TEN events and advised that due the people involved are family members of the Club members therefore, as a low risk event there is no need for measures to be put in place. However, they would put a staff member on the door as they could not afford to use a SIA door supervisor. This will only be in the capacity to allow access. On the 03/01/2014 the President of the Committee was in place as a door supervisor allowing access, which did not prevent this incident occurring. Therefore we cannot be certain that this method will be effective again.

The previous TEN incident on 3rd January 2014 has left police with concerns with the running of future events after breach of a TEN and Club Premises Licence. With the lack of support from staff and committee members as well as young children being present raises further concern should any further incidents occur. It appears clearly that the committee have not learnt from this incident and are not prepared to do anything prevent a reoccurrence.

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)

Police would recommend that SIA door be present throughout the duration of TENs and other than a CCTV condition, there a no other conditions on the Club Premises Licence which will reduce the concerns raised by Police, where the sale of alcohol by retail is requested.

Signature of Officer Completing

Name Karen Reeves Collar Number: 11185
Signature: _____ Date: 16/04/2014

Signature of Authorising Officer

Name PS Wood Collar Number: 2117
Signature: _____ Date: 16/04/14

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