

Public Document Pack

Licensing (Licensing and Gambling) Sub-Committee

Wednesday, 2nd December 2015
at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3
- Civic Centre

This meeting is open to the public

Members

Three Members drawn from the Licensing
Committee

Contacts

Democratic Support Officer
Sue Lawrence
Tel: 023 8083 3569
Email: susan.lawrence@southampton.gov.uk

Head of Legal and Democratic Services
Richard Ivory
Tel. 023 8083 2794
Email: richard.ivory@southampton.gov.uk

PUBLIC INFORMATION

The Members of the Licensing Committee are Councillors Furnell, Galton, Jordan, Painton, Parnell, Spicer, Thomas, Tucker, Vassiliou and Whitbread.

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:-

- Determination of applications for review of premises licences and club premises certificates;
- Determination of representations to applications for premises licences and club premises certificates, variations and various permits;
- Determination of police objections to applications for:
 - Variation of designated premises supervisors
 - Transfer of premises licences
 - Personal licences for the sale of alcohol
- Determination of objections to temporary event notices.

Relevant Representations

Those who have made relevant representations may address the meeting about the matter in which they have an interest. New matters, not raised within a written representation, cannot be relied upon at the hearing.

When dealing with Licensing Act matters the Sub-Committee must 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 must 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

Southampton City Council's Priorities

- Jobs for local people
- Prevention and early intervention
- Protecting vulnerable people
- Affordable housing
- Services for all
- City pride
- A sustainable Council

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.

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

Mobile Telephones:- Please switch your mobile telephones to silent whilst in the meeting

Use of Social Media:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting.

Dates of Potential Meetings Municipal Year 2015/16

Meetings are scheduled on a weekly basis usually at 6pm on a Wednesday evening.

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 Licensing Act 2003 (Hearings) Regulations 2005 and the Council Procedure Rules as set out in Part 4 of the Constitution, so far as it is applicable.

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.

4 STATEMENT FROM THE CHAIR

5 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

(Pages 1 - 4)

To approve and sign as a correct record the Minutes of the meeting held on 21st October 2015 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 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.

7 APPLICATION FOR A VARIATION OF A PREMISES LICENCE - PREMIER EXPRESS, 19 ADDIS SQUARE, PORTSWOOD ROAD, SO17 2NE

(Pages 5 - 46)

Report of the Head of Legal and Democratic Services detailing an application for a variation of a premises licence in respect of Premier Express, 19 Addis Square, Portswood Road, SO17 2NE, attached.

This page is intentionally left blank

SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 21 OCTOBER 2015

Present: Councillors Galton, Parnell and Tucker

13. **ELECTION OF CHAIR**

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

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

RESOLVED: that the Minutes of the meeting held on 1st October 2015 be approved and signed as a correct record.

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

RESOLVED

- (i) that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 the Sub-Committee determined to exclude the press and public from all of the hearing after consideration of the public interest; and
- (ii) that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the parties to the hearing, press and public be excluded at a predetermined point whilst the Sub-Committee reaches its decisions.

16. **APPLICATION FOR A SUMMARY REVIEW OF PREMISES LICENCE - SNA SUPERMARKET, 11 MANOR FARM ROAD, SOUTHAMPTON SO18 1NN**

The Sub-Committee considered the application for a summary review of premises licence in respect of SNA Supermarket, 11 Manor Farm Road, Southampton SO18 1NN.

Lucas Marshall (Trading Standards – SCC) and PC Boucouvalas and PC Cherry (Hampshire Constabulary) were present and with the consent of the Chair, addressed the meeting.

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

RESOLVED that the premises licence be revoked and that the interim steps determined on 1 October 2015 i.e. the suspension of the premises licence and removal of the designated premises supervisor, remain in force pending any appeal.

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

All parties will receive written notification of the decision with reasons.

The Sub-Committee determined that the hearing should proceed with the press and public excluded in that the public interest in so doing outweighed the public interest in the hearing taking place in public, in view of the continuing Police investigation

and the sensitivity of the information disclosed within the appendices to the report and discussed in the course of the hearing.

The Sub-Committee has considered very carefully the application by the Police for summary review of the premises licence for SNA Supermarket, 11 Manor Farm Road, Bitterne Park, Southampton SO18 1NN.

It has given due regard to the provisions of the Licensing Act 2003, including the statutory licensing objectives, the statutory guidance, the Secretary of State's summary review guidance and the City Council's adopted statement of licensing policy. Human rights legislation has also been borne in mind.

The Sub-Committee notes that, following suspension of the premises licence and removal of the designated premises supervisor on 1 October 2015 as interim steps, the premises licence holders did not seek to make representations against that decision by the Sub-Committee.

The Sub-Committee has determined to revoke the premises licence for SNA Supermarket, 11 Manor Farm Road, under section 53C of the Licensing Act 2003.

The Sub-Committee has also determined that the interim steps determined on 1 October 2015 i.e. the suspension of the premises licence and removal of the designated premises supervisor, should remain in force pending any appeal.

Reasons

The Sub-Committee has considered very carefully the certificate of Superintendent Fulton, all the evidence submitted by the Police and the representation by Trading Standards, both written and given orally today, and the written representations provided by the premises licence holders' Solicitors.

The Sub-Committee has carefully considered all the options set out in section 53C(c) of the Licensing Act 2003:

- (a) the modification of the conditions of the premises licence,
- (b) the exclusion of a licensable activity from the scope of the licence,
- (c) the removal of the designated premises supervisor from the licence,
- (d) the suspension of the licence for a period not exceeding three months,
- (e) the revocation of the licence.

The Sub-Committee considers that the alleged serious criminal offences involving persons concerned with the business conducted at those premises, including one of the premises licence holders, make it appropriate and proportionate for the promotion of the licensing objectives for the premises licence to be revoked and for the interim steps of suspension of the licence and removal of the designated premises supervisor to remain in force pending any appeal.

The Sub-Committee has considered the financial implications of its decision in accordance with the statutory guidance, particularly paragraphs 11.24 to 11.28 and, whilst it does take the impact seriously, has had to put its role in promoting the licensing objectives to the forefront.

In this respect, all other available measures were deemed insufficient, given the serious nature of the evidence presented to the Sub-Committee. In weighing up the risks attached to continued trading, particularly where the premises retains a clear

link to one of the current premises licence holders, the Sub-Committee feels it has no option other than to revoke the licence and maintain the interim suspension and removal of the designated premises supervisor in order to assist in preventing crime, in accordance with statutory licensing objectives and the Licensing Authority's over-arching duties, under section 17 of the Crime and Disorder Act 1998, to have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

There is a right of appeal to the West Hampshire Magistrates' Court against the Sub-Committee's decision. All parties will receive written notification of the decision with reasons and that notification will set out the right of appeal in full.

The Sub-Committee is satisfied that it is in the public interest that the report, appendix 2 (premises licence), appendix 3 (notice of summary review), appendix 4 (the decision of the Sub-Committee on interim steps, 1 October 2015) and this decision may now be published, but that appendix 1 (Police application for summary review, certificate and representations) together with the written submissions on behalf of the premises licence holders and appendix 5 (representations) should remain confidential.

This page is intentionally left blank

Agenda Item 7

DECISION-MAKER Licensing (Licensing and Gambling) Sub-Committee
SUBJECT Hearing to Consider an application for Variation of a Premises Licence –
 Premier Express, 19 Addis Square, Portswood Road, SO17 2NE

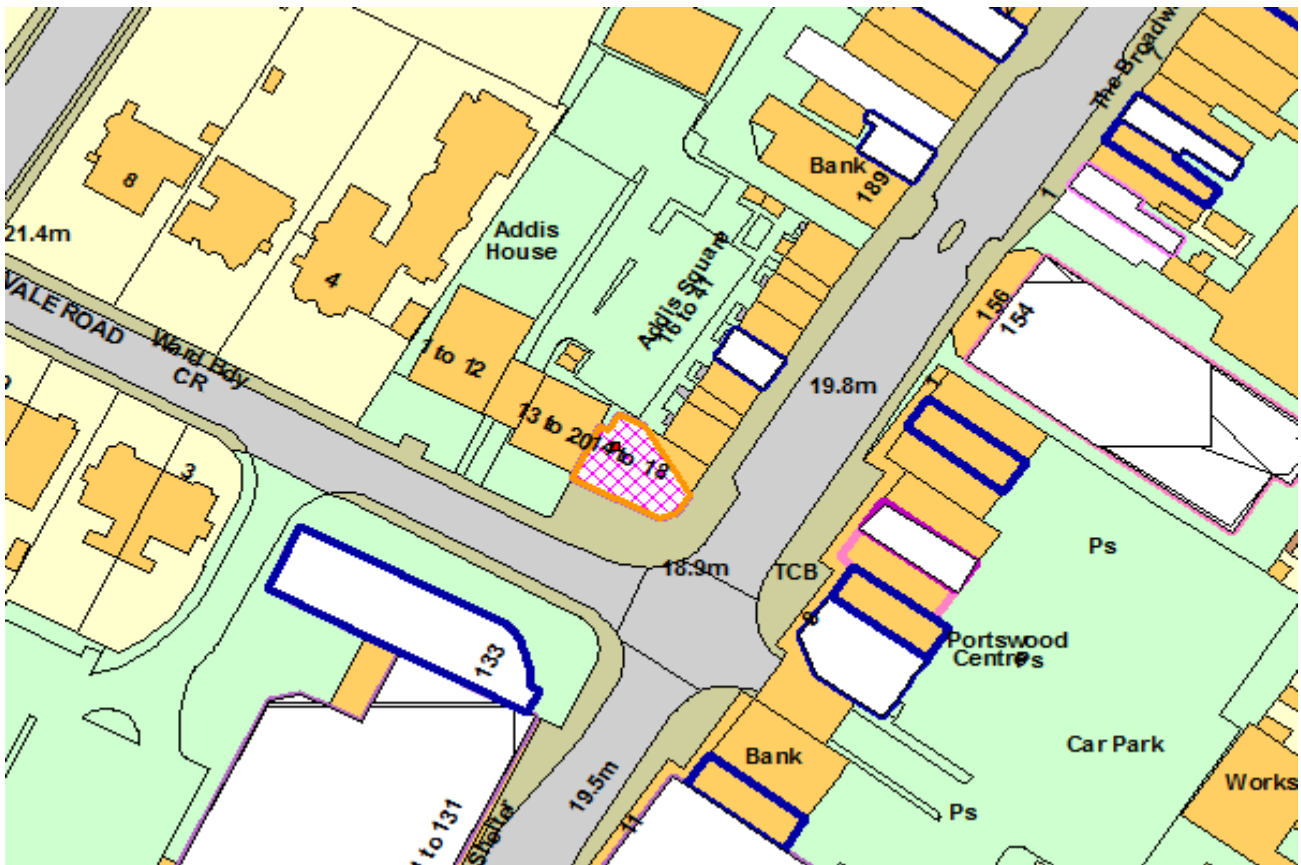
DATE OF HEARING Wednesday 02 December 2015 at 18:00 Hrs

REPORT OF Head of Legal and Democratic Services

E-mail licensing@southampton.gov.uk

Application Date : 25 September 2015 Application Received 25 September 2015

Application Valid : 25 September 2015 Reference : **2015/02893/01SPRV**



© Crown copyright and database rights 2014 Ordnance Survey 100019679

Representations from Responsible Authorities

| Responsible Authority | Satisfactory? |
|-----------------------------------|----------------------|
| Local Safeguarding Children Board | No Response Received |
| Hampshire Fire And Rescue | Yes |
| Environmental Health - Licensing | No Response Received |
| Planning & Sustainability | No Response Received |

| | | |
|-------------------------------------|---|-------------------------|
| Public Health | No Response Received | |
| Hampshire Constabulary | NO | |
| Trading Standards | YES | |
| <i>Other Representations</i> | | |
| Name | Address | Contributor Type |
| Cllr. Matthew Claisse | Members Room, Civic Centre, SO14 7LY | Local Councillor |
| Mr. Jerry Gillen | 4 Woodstock Drive, Southampton SO17 1WY | Resident |
| Mrs. Jane Clarke | 7 Bevois Hill, Southampton SO14 0SJ | Resident |

Legal Implications

1. The legislation specifically restricts the grounds on which the sub-committee may refuse an application for variation of a premises licence, or impose conditions. The legislation provides for a presumption of grant of an application for variation of a premises licence, subject to the determination of the application with a view to promoting the licensing objectives in the overall interests of the local community. In doing so the sub-committee must give appropriate weight to:
 - the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - its own statement of licensing policy
 - the Statutory Guidance
2. An application may be refused in part and thereby only permit some of the licensable activities sought.
3. An applicant for variation of a premises licence whose application has been refused, or who is aggrieved by conditions imposed, may appeal against the decision to the Magistrates' Court. Any other person, who made a valid representation, may appeal to the Magistrates' Court against the decision to grant the application or against any conditions imposed.
4. In considering this application the sub-committee will sit in a quasi-judicial capacity and is thus obliged to consider the application in accordance, in particular, with both the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) 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.
5. The sub-committee must also have regard to:
 - *The Crime and Disorder Act 1998*
Section 17 of the Crime and Disorder Act 1998 places the sub-committee 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.
 - *The 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 sub-committee 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 sub-committee 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 sub-committee which affect another's rights must be no more onerous than is necessary in a democratic society. The matters set out in this report must be considered in light of the above obligations.

Copies of the application for variation of the premises licence and the representations to it are annexed to this report.

Summary of application

| | |
|----------------------------------|---------------------|
| Premises: | Premier Express |
| Licence Holder: | Mr. Krishan Khurana |
| Agent for licence Holder: | None |
| DPS: | Mr. Krishan Khurana |
| Proposed Variation | |

To increase the current hours for Sale by Retail of Alcohol from 08:00 – 23:00 Monday to Sunday to 08:00 – 01:00 Sunday to Thursday and 08:00 – 03:00 Friday and Saturday.

The applicant has since sort to amend the application after discussion with Hampshire Constabulary making the closing time 01:00 Monday – Sunday. He has also agreed to the following amendments to the application

Staffing Levels

After 2300 hours, there will be a minimum of 2 members of staff on duty at the premises until closing time, 7 days per week.

SIA Security

There shall be an on-going risk assessment as to whether it is necessary to employ Security Industry Authority (SIA) staff at the premises during operating hours.

Conditions already attached to the issued licence

1. The holder of the premises licence shall ensure that every individual who appears to be under 25 years of age seeking to purchase or be supplied with alcohol at or from the premises shall produce means of identification acceptable to the Licensing Authority proving that individual to be 18 years of age or older. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person. Notices regarding the store's 'Challenge 25' policy must be displayed.
2. All staff who sell alcohol will be trained to NCPLH (National Certificate of Personal Licence Holder) level. All sales of alcohol must be directly supervised and authorised by a Personal Licence Holder until such staff have achieved training to NCPLH level.

That staff are trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18; that records are kept of such training, which are signed and dated by the member of staff who has received the training; that staff receive refresher training every six months as a minimum and that records, signed and dated by the member of staff, are kept of this refresher training. Records of training will be available for inspection by Hampshire Constabulary, the Licensing Authority, Trading Standards and other Responsible Authorities on request.

The holder of the premises licence shall keep a written record of those incidents where a person who a member of staff believes to be under the age of 18, and is unable to produce acceptable means of identification proving that they are of 18 years or more, attempts to purchase alcohol and is refused. The record shall include details, in English, of the date, time, a brief description, including estimated age, of

the person who attempted to purchase the alcohol, the type of alcohol and the name of the person who refused the sale. Staff shall be trained in the use of the refusals book and it should be kept in a readily accessible place known by all members of staff. The record will be regularly checked by the premises licence holder or the designated premises supervisor to ensure that all staff are completing records and, and this person will sign and date the record as evidence that they have checked it. The refusals book will be available for inspection by Hampshire Constabulary, the Licensing Authority, Trading Standards and other relevant authorities on request.

- 3.A CCTV system shall be installed and maintained in the licensed premises to the satisfaction of the Licensing Authority, Hampshire Constabulary and Trading Standards. As a minimum, it shall enable surveillance of both external and internal areas of the premises including entrances and exits. Recordings from the system shall be of a quality acceptable as evidence in a court of law and shall be securely retained at the licensed premises for a minimum period of 30 days after the recording, and shall be surrendered to Hampshire Constabulary, the Licensing Authority, or Trading Standards immediately on request.

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.

I/We KRISHAN KHURANA

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

| | |
|--------------------------------|-------------------|
| Premises licence number | 2014/02820/01SPRD |
|--------------------------------|-------------------|

Part 1 – Premises Details

| | | | |
|---|-------------|------------------|----------|
| Postal address of premises or, if none, ordnance survey map reference or description | | | |
| PREMIER EXPRESS 19, ADDIS SQUARE PORTSWOOD ROAD | | | |
| Post town | SOUTHAMPTON | Post code | SO17 2NE |

| | |
|--|------------|
| Telephone number at premises (if any) | 0238055544 |
| Non-domestic rateable value of premises | £ 17000 |

Part 2 – Applicant details

| | | | |
|--|------------|-----------------|--|
| Daytime contact telephone number | [REDACTED] | | |
| E-mail address (optional) | [REDACTED] | | |
| Current postal address if different from premises address | NA | | |
| Post Town | | Postcode | |

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 |
|-----|-------|------|
| 01 | 10 | 2015 |

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

This is an existing premises as mentioned in the licence number. Need the extension of timing to give better services to the students and the needy who can avail and benefits from the extended timing by keeping the objectives in view which is our prime responsibilities.

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

| |
|----|
| NA |
|----|



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.

Provision of regulated entertainment

Please tick yes

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

— NA —

Provision of entertainment facilities:

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

NA

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

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P



A

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



B

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



D

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



C

| Indoor sporting events Standard days and timings (please read guidance note 6) | | | <u>Please give further details</u> (please read guidance note 3) |
|---|-------|--------|--|
| Day | Start | Finish | |
| Mon | | | |
| | | | |
| Tue | | | <u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4) |
| | | | |
| Wed | | | |
| | | | |
| Thur | | | <u>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</u> (please read guidance note 5) |
| | | | |
| Fri | | | |
| | | | |
| Sat | | | |
| | | | |
| Sun | | | |
| | | | |



E

| | | | | | |
|--|-------|--------|--|----------|--------------------------|
| Live music Standard days and timings (please read guidance note 6) | | | <u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 3) | | |
| Mon | | | | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | | | |
| | | | | | |
| Thur | | | | | |
| | | | <u>State any seasonal variations for the performance of live music</u> (please read guidance note 4) | | |
| Fri | | | | | |
| | | | | | |
| Sat | | | | | |
| | | | <u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| Sun | | | | | |
| | | | | | |



F

| | | | | | |
|--|--------------|---------------|--|----------|--------------------------|
| Recorded music Standard days and timings (please read guidance note 6) | | | <u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 3) | | |
| Mon | | | | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | | | |
| | | | | | |
| | | | <u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4) | | |
| Thur | | | <u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| | | | | | |
| Fri | | | | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |

G

| | | | | | |
|---|-------|--------|---|----------|--------------------------|
| Performances of dance Standard days and timings (please read guidance note 6) | | | <u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| | | | | | |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 3) | | |
| Mon | | | | | |
| Tue | | | <u>State any seasonal variations for the performance of dance</u> (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | <u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |



H

| | | | | | |
|--|-------|--------|--|----------|--------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6) | | | <u>Please give a description of the type of entertainment you will be providing</u> | | |
| Day | Start | Finish | <u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| Mon | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Tue | | | <u>Please give further details here</u> (please read guidance note 3) | | |
| Wed | | | | | |
| Thur | | | <u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4) | | |
| Fri | | | | | |
| Sat | | | <u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| Sun | | | | | |



I

| | | | | |
|--|-------|--------|---|--------------------------|
| Provision of facilities for making music Standard days and timings (please read guidance note 6) | | | <u>Please give a description of the facilities for making music you will be providing</u> | |
| | | | <u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2) | |
| Day | Start | Finish | Indoors | <input type="checkbox"/> |
| | | | Outdoors | <input type="checkbox"/> |
| | | | Both | <input type="checkbox"/> |
| Mon | | | <u>Please give further details here</u> (please read guidance note 3) | |
| | | | | |
| Tue | | | | |
| | | | | |
| Wed | | | <u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4) | |
| | | | | |
| Thur | | | | |
| | | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | |
| Sat | | | | |
| Sun | | | | |



J

| | | | | | |
|---|--------------|---------------|--|----------|--------------------------|
| Provision of facilities for dancing Standard days and timings (please read guidance note 6) | | | <u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| | | | <u>Please give a description of the facilities for dancing you will be providing</u> | | |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 3) | | |
| Mon | | | | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | | | |
| | | | | | |
| | | | <u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4) | | |
| Thur | | | <u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| | | | | | |
| Fri | | | | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |



K

| | | | | | |
|--|-------|--------|---|----------|--------------------------|
| Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6) | | | <u>Please give a description of the type of entertainment facility you will be providing</u> | | |
| Day | Start | Finish | <u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| Mon | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Tue | | | <u>Please give further details here</u> (please read guidance note 3) | | |
| Wed | | | | | |
| Thur | | | <u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4) | | |
| Fri | | | | | |
| Sat | | | <u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| Sun | | | | | |

L

| Late night refreshment Standard days and timings (please read guidance note 6) | | | <u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | <input type="checkbox"/> |
|---|-------|--------|--|----------|--------------------------|
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | | | <u>Please give further details here</u> (please read guidance note 3) | | |
| Tue | | | | | |
| Wed | | | <u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4) | | |
| Thur | | | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| Sat | | | | | |
| Sun | | | | | |

M

| | | | | | |
|---|--------------|---------------|---|------------------|-------------------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7) | On the premises | <input type="checkbox"/> |
| | | | | Off the premises | <input checked="" type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | State any seasonal variations for the supply of alcohol (please read guidance note 4) | | |
| Mon | 0800 | 0100 | | | |
| Tue | 0800 | 0100 | | | |
| Wed | 0800 | 0100 | | | |
| Thur | 0800 | 0100 | | | |
| Fri | 0800 | 0300 | | | |
| Sat | 0800 | 0300 | | | |
| Sun | 0800 | 0100 | | | |
| | | | Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) | | |

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)

- NA -



0

| | | | |
|---|-----------|--------|--|
| 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 | |
| Mon | 0800 c | 0100 | |
| Tue | 0800 c | 0100 | |
| Wed | 0800 | 0100 | |
| Thur | 0800 | 0100 | |
| Fri | 0800 | 0300 | |
| Sat | 0800 | 0300 | |
| Sun | 0800 | 0100 | |
| 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) | | | |
| | | | |
| | | | |

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

- NA -

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

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



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)

By having premises licence anyway we are bound not to accept any kind of illegal happening not only by sale but otherwise which affect social environments or anything otherwise. We bound to follow and enforce every steps which met all these four objectives or any extra rule.

b) The prevention of crime and disorder

Sale will be prohibited to all those strictly those indulge anyway even in the part, to bound. We have CCTV coverage, ID check

c) Public safety

Public safety is our always concern and we are committed to this.

d) The prevention of public nuisance

no sale will be allowed at all who creat public nuisance

e) The protection of children from harm

Children are future of this country we bound to protect them with every possible steps. NO under age sale. We follow strict "ID" check all the time.

Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 5 – Signatures (please read guidance note 10)

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

| | |
|-----------|----------------|
| Signature | [REDACTED] |
| Date | 25/09/2015 |
| Capacity | OWNER/DIRECTOR |

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

| | |
|-----------|------------|
| Signature | [REDACTED] |
| Date | |
| Capacity | |

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

N/A

| | | | |
|--|--|-----------|--|
| Post town | | Post code | |
| Telephone number (if any) | | | |
| If you would prefer us to correspond with you by e-mail your e-mail address (optional) | | | |

Dear Mr Khurana,

I am writing regarding the application to vary the premises licence at the above location. We spoke recently on the telephone and I know you have been emailing my colleague PC Jackie Cherry.

Hampshire Constabulary is making a representation on the application.

I am writing for you to confirm whether the following matters are in agreement?

- **Amendment** to the proposed **supply of alcohol & opening hours** to be 0800-0100 hours 7 days per week
- Imposition of the following conditions, in addition to what is already held under Annex 3 of the licence.

Staffing Levels

After 2300 hours, there will be a minimum of 2 members of staff on duty at the premises until closing time, 7 days per week.

SIA Security

There shall be an on-going risk assessment as to whether it is necessary to employ Security Industry Authority (SIA) staff at the premises during operating hours.

If you agree to the above being implemented to your application, then in the circumstances Hampshire Constabulary does not consider a hearing to be necessary.

Please confirm this by responding to **me** and Southampton City Council on **licensing@southampton.gov.uk**

Regards,

Police Constable 25323 Alex Boucouvalas

Licensing Team

Hampshire Constabulary, Southampton Central Police Station,
Southern Road, Southampton, SO15 1AN

M: 07880 872 410

T: 02380 533368 Int: 741495

E: force.licensing@hampshire.pnn.police.uk

W: www.hampshire.police.uk

Duties: Carms

[REDACTED]

From: Boucouvalas, Alex [REDACTED]
Sent: 27 October 2015 13:14
To: 'Krishan Khurana'; Licensing
Subject: RE: Premier Portswood

Dear SCC,

To clarify, we do object to the application in its current format but do not feel a hearing is necessary based on the below amendments to the application.

Regards,

Police Constable 25323 Alex Boucouvalas

Licensing Team

Hampshire Constabulary, Southampton Central Police Station,
Southern Road, Southampton, SO15 1AN
Telephone: 101 / 02380 533368 Internal No: 741495
Airwave P2P: 4535323 Airwave Extension: 70135323
Email: alex.boucouvalas@hampshire.pnn.police.uk
Website: www.hampshire.police.uk
Officer Duties: [Carms](#)

From: Krishan Khurana [REDACTED]
Sent: 27 October 2015 11:00
To: Boucouvalas, Alex; licensing@southampton.gov.uk
Subject: Re: Premier Portswood

Dear Mr Alex,


Thanks for your nice gesture and understanding the circumstances which time to time Hampshire police support to the businesses so that social atmosphere is safe to live from any cause, thanks for that.

I confirm and understand the need that after 2300 hrs there will be minimum two person to handle the requirements until close and I agree council may please amend this please.

As far as security is concern the Risk assessment will be made after certain period of time if needed there will be option to have that which is optional with the situations.

Thanks again for your cooperations.

Regards,



From: Claisse, Matthew (Cllr)
Sent: 19 October 2015 12:38
To: Licensing
Subject: 19 ADDIS SQUARE 2015/02893/01SPRV

I am writing to object to the above application.

There is already excessive anti-social behaviour within the Portswood Broadway caused by late night drinking from both Public Houses as well as Off Licenses and the proposed application will only encourage and exacerbate this problem..

Many thanks

Matthew Claisse

Mrs Jane Clarke

No 7 Bevois Hill,

Southampton, SO14 0SJ

19th October, 2015

Southampton & Eastleigh Licensing Partnership,

Southampton City Council, PO Box 1767,

Southampton, SO18 9LA

Representation regarding vary to Premises Licence of Premier Express etc.

Ref 2015/02893/01 SPRV

Last known police complaint Ref: 44150339670

On behalf of the community in Bevois Town and Portswood areas of Southampton, I would like to **OBJECT** to the application to vary the premises licence requested by Mr Krishan Khurana. Premier Off-licence, 19 Addis Square, Portswood, SO17 2NE.

And, if possible, any similar applications in take-away alcohol that occur in this area. (Photo 12 - Charlie's Bargain Booze opened today).

You will see from the attached photographs that the off-licence in question (No 1) is on a busy street where people live above the shops, it is also on the corner of residential flats and houses and opposite the mosque (No 7). When the pubs and clubs close, residents do not want a congregation of people coming to this area to buy late-night / early hours alcohol.

I organised a petition (*attached - please read*) and stood in the street by Addis Square for a few hours, on three separate occasions (*dated on the side of the petition*) and was overwhelmed with those in agreement with the petition. 95% of the people approached, signed. I think you will agree that for such a short period (*6 hours in all*), standing alone, I have collected many representative signatures.

It was only after the signatures were collected and when checking the opening hours, ~~when~~ I noticed that, in addition to 1pm as stated on the petition, the off-licence has applied to open until 3am on 2 of the 7 opening days. Most residents feel that 11pm is sufficient and are currently disturbed by CCs of Portswood which opens late. Yet another off-licence has also opened today called Charlie's Bargain Beers (No 13). We would like that premises also NOT to open longer than 11pm, which is the same as big supermarkets in the area.

Quiet zones in this area are anything but quiet. (Nos: 2,3,6) as stated on the petition.

The public generally feel that late opening of off-licences add to the problem of on-street drinking and noisy revelling. Many informed me of sleep disturbances nearly every evening, of a problem of dumped empty cans (Nos 10 & 11) and smashed bottles (Nos 4,5,8,9) in their front gardens on a regular basis. This area has a sufficient number of places to go and have a drink until the early hours. There are even on-line delivery services now if people run out of alcohol at home after hours, so there is no need for other providers.

1.



2.



3.



4.



5.



6.



7



8



9



10



11



12



Mrs Jane Clarke
No 7 Bevois Hill,
Southampton, SO14 0SJ
26th October, 2015

In addition to Licensing Team,

Representation regarding vary to Premises Licence of Premier Express etc.

Ref 2015/02893/01 SPRV **Mr Krishan Khurana,**

19 Addis Square Portswood Road Southampton SO17 2NE

Further to my recent representation to the above application, I have enclosed addition information, part of which was originally included on the petition (that could not be accepted due to technicalities) and decided to take further photographs to support the objection (*attached*).

Open drinking of alcohol by crowds on the streets in residential areas between Swaythling and Newtown is becoming common-place even into the early hours of the morning. Portswood Road and Bevois Valley will become like New Orleans' Bourbon Street unless the problem is tackled now. This is despite laws against drinking alcohol in public and notices to state this. Rather than a bar crawl, a trend is developing to "Off-Licence Hop", since this is a cheaper option to pubs' prices.

If this was just an occasional one-off for "University Fresher's week", football matches or bank holidays, one might put up with it. But this is every single night, seven days a week. I do not know why drinking in the streets is not being tackled - perhaps due to a lack of police presence and no CCTV cameras? Residents tend not to call the police because the perpetrators are walking by and do not hang around. Many residents are foreign or just living in the area for a few years, with little understanding of how to complain. Hundreds of people start heading from Swaything towards Bevois Valley or town at around 9pm, off-licence-hopping en-route and start their return between midnight and 3am.

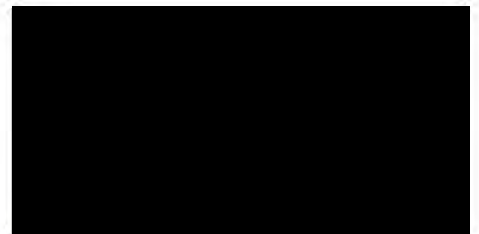
Since CCs off-licence of Portswood Road, the first to be allowed to remain open for the sale of alcohol until 1am recently, the drunk and disorderly problem has increased as off-licence-hopping has now started on the return route back too. (*Photo depicts crowd outside CCs mixing cocktails with bottles of vodka just purchased*). There are several off-licences in the area who probably all want to compete with CCs now including the three Premiers. I object to this Premier Express in Addis Square as I have seen for myself that it colludes with the public nuisance problem. (*Evidence in photos shows man staggering out of their premises with carrier bag, a crowd of drinkers outside the shop and Premier carrier bags abandoned along with 'empties'*).

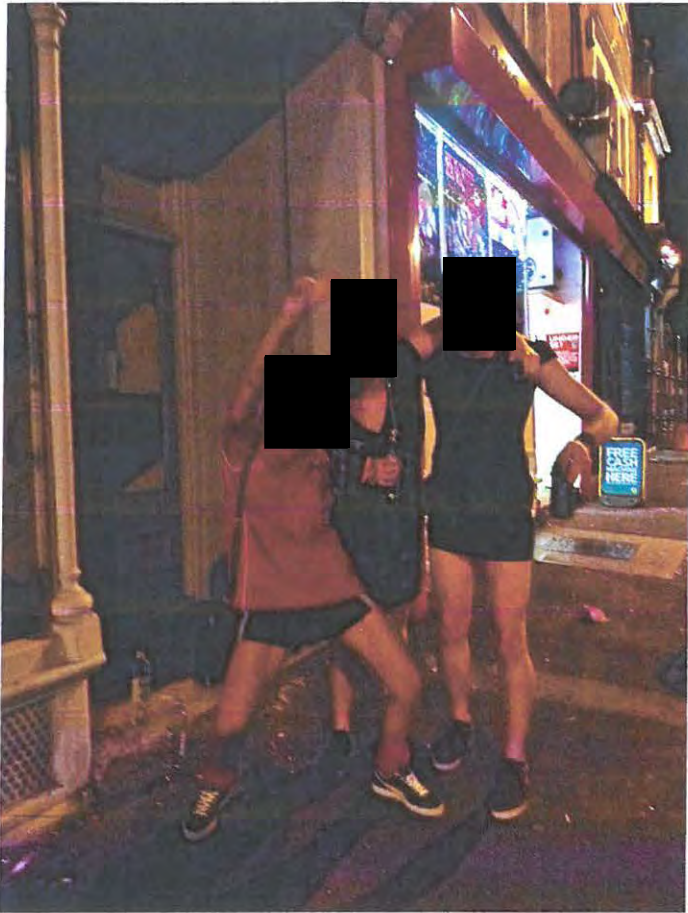
When I originally phoned the Council to complain about CCs opening late I was informed (*mistakenly or not?*) that only a responsible authority, such as the Police, could make a representation. Twice in the last year I have had to call the police, due to bottles being thrown at my window (in high jinx) and at other times because of the sheer noise at 3am. It is obvious from the smashed glass in other neighbours front gardens that we are not alone. I get up at 5am to put my bins out for collection. If not the recycling bins get contaminated or pushed over.

Many of my neighbours are hard-working people and, like myself, find it difficult to have a good night's sleep due to disturbances such as, rowdiness, shouting, screaming, smashing of bottles, singing, vomiting, knocking over bins and car horns blasting at people staggering drunkenly into the road.

Although a precedent exists for Premier Express Addis Square to open until 1am, none exists to open until 3am. However I wish to contest all other off-licences in the area opening until 1am. I feel that 11pm, the same as supermarkets in the area should be sufficient.

If Mr Krishan Khurana wishes to increase his business takings, then perhaps he might consider online deliveries of alcohol or even deliveries by phone. These are becoming increasingly popular and I have no objection to people drinking in their own home whatever the hour, only on the streets. Please end take-away alcohol after 11am.



















[REDACTED]

From: [REDACTED]
Sent: 13 October 2015 15:49
To: Jeffery, Andy
Cc: [REDACTED]
Subject: RE: 19 ADDIS SQUARE

Dear Members of the Licensing Team,

We wish to object most strenuously to this application for extended opening hours for the following reasons...

- We believe it will exacerbate an already difficult situation regarding ASB and Public Nuisance in the immediate vicinity, of which the Police should have ample evidence.
- Similarly it will have the potential for causing Crime and disorder through drunken and unruly behavior.
- Under the proposed hours, these premises would be open well after any other Licensed outlet in the area and it is therefore reasonable to suppose these premises would be serving alcohol to people already intoxicated or those so inclined, who would gravitate to these premises as being the only one still open.

Generally there is already public nuisance and anti-social behaviour within the Portswood Broadway caused by late night drinking from both Public Houses as well as Off Licenses and these hours will only encourage and exacerbate this problem. There is additionally the added problem recently of vagrants, beggars and so called homeless people whom this would only encourage further.

We respectfully therefore ask that this application be REFUSED.

J Gillen



Jerry Gillen - Vice Chairman, HRA, 4 Woodstock Drive, Highfield, Southampton, SO17 1WY
[REDACTED]