

Reference: 2012/01113/01SRAP

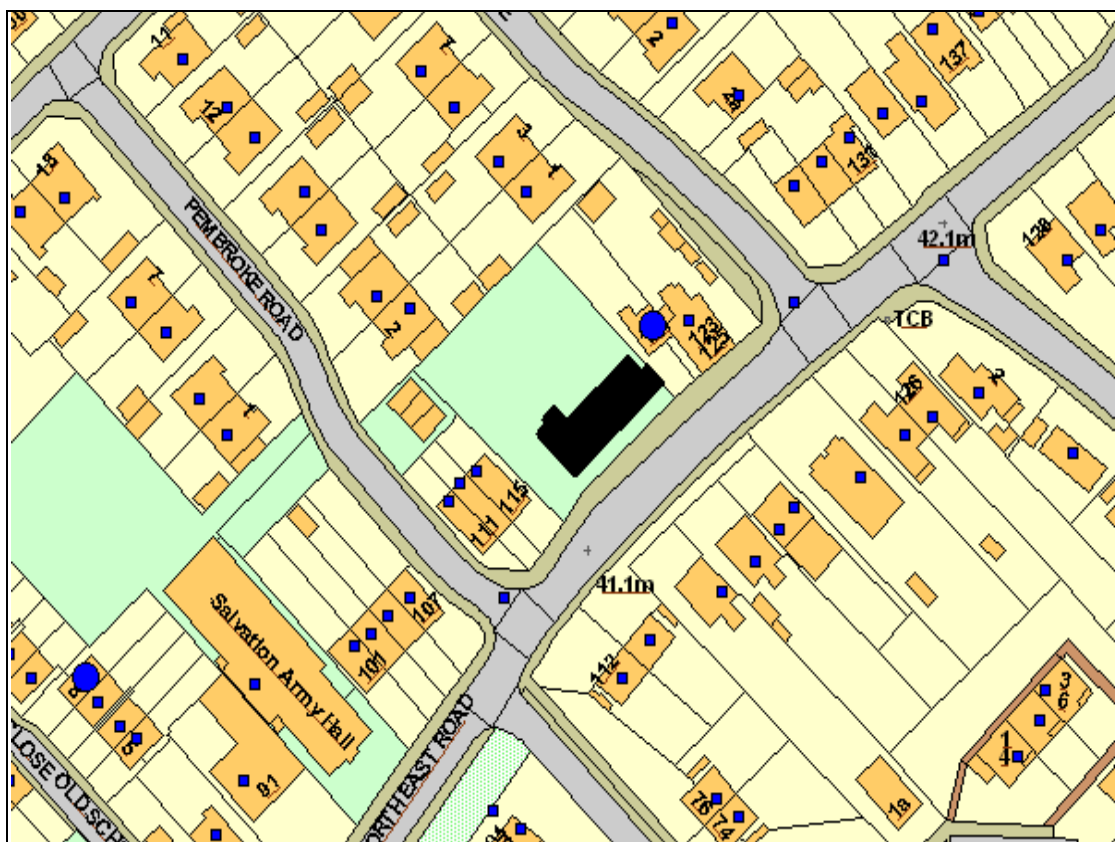
Hearing: 12th July 2012

Application for Review of Premises Licence

Premises Name: Chamberlayne Arms
 Premises Address: 119 North East Road
 Southampton
 SO19 8AJ

Application Date: 9th May 2012
 Application Received Date: 22nd May 2012

Application Valid Date: 22nd May 2012



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Representation From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Child Protection Services - Licensing	No response received	

Hampshire Fire And Rescue - Licensing	Yes	
Environmental Health - Licensing	No	
Planning & Sustainability - Development Control - Licensing	No response received	
Police - Licensing	No	
Trading Standards - Licensing	Yes	

Other Representations

Name	Address	Contributor Type
Mr. Alex Green	Gosschalks Queens Gardens Kingston Upon Hull HU1 3DZ	Registered Interest in Premises

Legal Implications

1. Part 3 of the Licensing Act 2003 provides that a responsible authority of a resident or business in the vicinity (interested party) may apply for review of a premises licence.
2. The grounds of review applications must relate to one or more of the licensing objectives.
3. In such circumstances, the applicant for the review must serve a copy of the review application on the holder of the premises licences, the City Council and each of the responsible authorities.
4. On receipt of the application for review, the officers will consider its validity, under delegated powers. Reasons for rejection, in whole or in part, include:
 - that the grounds for review are not relevant to one of more of the licensing objectives and;
 - (in the case of an application not made by a responsible authority), that the application is frivolous, vexatious or repetitious.
5. The City Council must, within one day of receiving the application for review, display a prescribed notice of the review application on the outside or adjacent the premises; the notice must remain on display for 28 days and any interested party in the vicinity

6. Unless the applicant, licence holder, interested parties and responsible authorities agree that a hearing is unnecessary, the City Council is then required to hold a hearing to consider the review.
7. The sub-committee, in considering the application for review, must have regard to the adopted Statement of Licensing Policy and evidence before it at the hearing.
8. The Licensing Act 2003 provides that, in determining an application for review, the sub-committee may take any (or none) of the following steps, as it considers necessary:
 - modify the conditions of the licence;
 - exclude a licensable activity from the scope of the licence;
 - remove the designated premises supervisor;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.
9. The Licensing Act 2003 makes provision for appeal to the Southampton Magistrates' Court against the sub-committee's decision in relation to an application for review.
10. 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.
11. Copies of the application for review and the Police objection are annexed to this report.
12. The sub-committee must also have regard to:-
13. *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.
14. *Human Rights Act 1998*

The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affects another's rights must be no more onerous than is necessary in a democratic society. The matters set out in this report must be considered in light of the above obligations.



Hampshire Constabulary
Chief Constable Alex Marshall

Southampton City Council
Licensing Team
Southbrook Rise,
4-8 Millbrook Road East,
Southampton.
SO15 1YG

Southampton Central Police Station
Civic Centre
Southampton
Hampshire
SO14 7LG

Our ref:
Your ref:

Telephone: 0845 045 45 45

Direct dial: 02380674768

Fax No: 023 8067 4397

Deaf/speech impaired minicom: 01962 875000

Email: jonathan.harris@hampshire.pnn.police.uk

22nd May 2012

Dear Sir,

On behalf of Hampshire Constabulary, I submit the following application for a review of the premises licence of Chamberlayne Arms, 119 North East Road, Southampton SO19 8AJ.

Section 17 of the Crime and Disorder Act 1998 imposes an obligation on every police authority and local authority to do all that it can to reasonable prevent –

- crime and disorder in its area including anti-social and other behaviour adversely affecting the local environment; and
- the misuse of drugs, alcohol and other substances in its area).

Police have tried to work with the licensee in order to address a number of concerns, but it would appear that little notice has been taken. Therefore, I submit this application to review the premises licence of Chamberlayne Arms.

Yours faithfully


PC 24288 Harris

Violent Crime & Licensing Department





Application for the review of a Premises licence or Club Premises certificate under the Licensing Act 2003

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

I PC 24288 HARRIS, on behalf of the Chief Officer of Hampshire Constabulary,
(Insert name of applicant)

- Apply for the review of a premises licence.
 - Apply for the review of a club premises certificate.
- (Select as applicable)

Premises or Club Premises details

Postal address of premises:	Chamberlayne Arms 119 North East Road Southampton
Postcode (if known):	SO19 8AJ

Name of premises licence holder or club holding club premises certificate (if known)
Susan Diaper

Number of premises licence or club premises certificate (if known)

Details of responsible authority applicant

Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:	PC
Surname:	HARRIS
First Names:	Jon
Current postal address :	Southampton police station Southern Road Southampton
Postcode:	SO15 1AN
Daytime telephone number:	02380 674768
E-mail address: (optional)	

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



**Application for the review of a
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under the Licensing Act 2003**

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

*Select one or more
boxes*

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

Please state the grounds for review which must be based on one or more of the licensing objectives together with supporting information:

This review is brought by Hampshire Constabulary as a responsible authority under the Licensing Act 2003, because of a series of failures in the management, of which impact on three of the licensing objectives. Namely, prevention of crime and disorder, public nuisance and public safety.

On the basis of the evidence outlined below, Hampshire Constabulary would wish to achieve the following:

- 1. Removal of the designated premises supervisor (DPS).

The following conditions to be added to the premises licence:

- 1. The new DPS to be trained to level 2.

2. CCTV

The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system should be able to cope with strobe lighting and all levels of illumination throughout the premises as well as outside areas.

CCTV warning signs to be fitted in public places.

The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation.

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

Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained.

The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i.e. password protected.





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There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to police on request when investigating allegations of offences or criminal activity. Any images recovered must be in a viewable format on either disc or VHS. Footage supplied in a digital format on CD or DVD will also have a copy of the CCTV system software enabled on the disc to allow playback.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Southampton Police Licensing Unit.

3. Incident book

An incident book will be provided and maintained at the premises. It will remain on the premises at all times and will be available to police for inspection upon request.

Any incidents that include physical altercation or disorder, physical ejection, injury, id seizure or drug misuse will be recorded in the incident book. The entry is to include an account of the incident and the identity of all person(s) involved (or descriptions of those involved if identity is not known). Should there be any physical interaction by members of staff and the public the entry will include what physical action occurred between each party. The entry shall be timed, dated and signed by the author.

If the member of staff creating the entry has difficulties reading or writing then the entry may be written by another staff member. This should however be read back to the person creating the entry and counter signed by the person who wrote the entry.

At the close of business on each day the incident book will be checked by the manager on duty where any entries will be reviewed and signed. If incidents have occurred the duty manager will de-brief staff at the close of business. Should there be no incidents then this will also be recorded at the close of business in the incident book.

4. Toilet Checks

The public toilets within the premises shall be checked every 30 minutes on a Friday and Saturday between the hours of 18:00 and closing. A record shall be kept by the premises and presented on request by Hampshire constabulary. Toilet check records shall be kept for a minimum period of 3 months.

In Summary, the police evidence to support these points is as follows:

On 18th June 2011 at around 21:50 hours, an incident occurred at the premises where a male was hit in the face and eye with a pool cue. The aggrieved reported to police that his friend believed he lost consciousness and was taking him to hospital (see appendix 1). The aggrieved, had scratches to his eye that required further treatment and despite initially naming an offender, later informed police that he was mistaken with the identity of the offender and retracted his statement.



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Police never received any call from the pub with regards to this incident and none of the staff or management provided a statement. The premises did not have any CCTV to assist police in identifying the offender. The DPS advised police at the time that she did not require it (see appendix 3). This highlights that the management were not supportive of promoting licensing objectives in relation to the prevention of crime and disorder. Due to the lack of co-operation from the aggrieved party and lack of evidence, no further action was taken in respect of this assault.

A local resident contacted police on 9th July 2011 at 01:43 hours in the morning to report a party going on at the pub with a number of people in the garden (see appendix 4). Police were informed there was loud music and the informant was unable to sleep. Police were requested to attend, but at the time there were no free units. This party would have breached the premises licence as the premises are only permitted to be open until 0000 hours on a Friday or Saturday night and yet the report was made at 01:43 hours. Police have checked records and there was never a temporary event notice in place for this event. As there was no CCTV installed in the premises no checks could be made in order to prove or disprove the allegation.

On the 20th July 2011, PC Sullivan and PC Harris attended the premises to discuss the recent assault with the DPS (see appendix 5). Police were informed by the daughter of the DPS that the DPS was quite unwell and unable to attend the meeting. She advised that she worked there regularly and one day hoped to take over. The incident involving the assault with the pool cue was discussed and she advised that the offender had been barred, which would indicate they knew who the offender was, but never informed the police. She was unable to provide any written evidence to support this claim so police recommended the use of a daily incident book to record incidents and details such as these. The DPS's daughter advised that she would obtain a book straight away and an arrangement was made so at a later date, police would re attend and speak with the DPS. Ion track drug swabs were taken from all the public toilets during the visit due to a number of reports that advised there was regular drug use at the premises. PC Sullivan further emailed the DPS's daughter confirming the discussions with regards to a daily incident book and how it should be used.

PC Harris re attended the premises on 4th August 2011 and spoke with the DPS (see appendix 6). The ion track swabs taken from the public toilets all tested positive for cocaine. As a result of this the DPS advised that she was planning on conducting hourly checks in the toilets when it was busy and would make posters informing customers of the policy. PC Harris highlighted that CCTV would go some way in preventing crime such as drugs, assaults thus promoting licensing objectives. The DPS explained on this occasion that she did not have the money to purchase a CCTV system. Following the meeting a letter was sent to her and Enterprise Inns (the Landlord) to inform them of our recommendation regarding CCTV (see appendix 7 & 8). A response was never received from Enterprise Inns despite informing both parties that should further incidents occur, we could look to take the matter further and this could be by a review of the premises licence with a view to getting conditions added. The incident book had not been obtained by the DPS's daughter and a further recommendation was made to the DPS to record details of day to day incidents. Police were informed she would purchase a diarised book immediately.



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Police were contacted by the senior anti social behaviour investigator from Southampton City Council on 14th February 2012 after they had received a complaint from a local councillor (see appendix 9). Local residents had complained of post closing time nuisance with drunken customers who get involved in fights and damage property. Police did not receive any specific dates or times with regards to the allegations and residents had not been reporting the problems to police. Police made enquiries with local residents and were told they experience various anti-social behaviour with damage to vehicles and garden fences which they attributed to the pubs clientele (see appendix 10). They even suggested that some problems continued right up until 0200 hours as persons hang around the pub car park. The local safer neighbourhood team are investigating the allegations.

On 24th March 2012, PC 24288 Harris attended the premises and spoke with the DPS and her daughter (see appendix 11). Police had again received information alleging there to be drug use as well as drugs being sold at the premises. Some even suggested that this was taking place in the knowledge of the DPS or with their involvement (see appendix 12). They were informed that police realise false information can be provided and therefore, not accused of committing offences. However, it was made clear that if there was any truth in the allegations, police could look to remove the DPS. No evidence could be provided by the premises to show that positive action was being taken by them to prevent drug use other than putting up signs to advise customers that hourly searches would be conducted in the toilets to check for drug use. The incident book was not being used and therefore, no record of toilet checks being conducted.

An assault occurred outside the premises on 1st April 2012 at around 21:30 hours which involved a 19 year old male aggrieved (see appendix 13). This male has provided a statement in which he states he was verbally abused by a male inside the premises (see appendix 14). He decided to leave as he felt uneasy following the abuse and once outside; the offender has followed him out and without warning, started to punch him in the face. The aggrieved states that he then saw the female with blond hair who he recognised as the barmaid, stood behind the offender, calling the suspect back to the pub. The aggrieved then calls police to report the assault. Having called police he decides to walk back towards the pub so police are able to find him easier. Once outside a house next to the pub, he notices the lights of the bar go out. The offender is then let out of the pub by the female he recognises as the barmaid and another female he had not seen before. The offender comes straight towards him again, hitting him in the face, causing the aggrieved to fall to the ground which was in the front garden of the house. He said his head was stamped on and kicked and believed he was knocked unconscious.

It should be noted that police never received a call from the management of the pub. The barmaid was asked what she knew of the offence and denied witnessing any assault and claimed that it was a quiet night, closing early at 21:30 hours. However, an independent witness (a local resident) has provided a statement advising there was a lot of shouting which could be heard over their television (see appendix 15). The separate assaults were also seen by this witness as described by the aggrieved.



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The witness also believes that the offender goes back into the pub after he left the male on the front garden having assaulted him. Then a police response vehicle raced by and all the lights of the pub went out.

On 5th April 2012, PC 24288 Harris, PC 22260 Rainscourt and a Southampton City Council Environmental Health Officer met with the DPS (see appendix 17). She was asked about the recent assault and advised she was not working that night. She was then asked if the incident was recorded in a diarised incident book. Although there was an incident book, it had not been filled in since November last year. Police had already asked the premises to use an incident book due to previous incidents and yet the management had failed to do this. As a result, the DPS knew very little about the incident other than what police had told her when they enquired about CCTV. Other than the incident book, which was incomplete, none of the recommendations that had been made to the DPS in August 2011 (as per appendix 7) had been introduced. The DPS was told on the back of this latest incident, we would like them to install a CCTV system. The DPS advised that she cannot afford CCTV. The DPS has failed to take on board police recommendations, which has resulted in the licensing objective 'prevention of crime and disorder' being undermined thus not displaying the actions of a responsible DPS.

PC Prior and PC Harris attended the premises on 14th April 2012 (see appendix 18). The officers were walking to the front entrance from the rear car park and noticed the figure of a male through the frosted window of the disabled toilet. It appeared as though the male was snorting a substance from the window sill. Police immediately entered the premises to find the disabled toilet locked, but waited for the male to come out. He was searched, although no drugs found on his person, there was a residue on the window sill of white powder. He then admitted to having just taken drugs. As a result of this, police spoke with the DPS and her daughter and suggested for positive action to be taken in order to promote licensing objectives. Police recommended that the male should be asked to leave and barred, but it was made clear that the decision rested with the DPS. The DPS was in her dressing gown at the time and not working advised that she would get dressed and deal with it. When police left the premises, which was around 20 minutes after searching the male, he was still present drinking a pint. Whilst at the premises drug swabs were taken from all the public toilets. These later provided readings that were higher than any I have seen before (see appendix 19).

A further statement has been provided by the same local resident that witnessed the assault on 1st April 2012 (see appendix 20). They state they have become increasingly concerned with the pub with incidents of noise, assaults, criminal damage and broken glass associated to the premises. They described to police an incident observed back in November 2011, which had not be reported at the time. An angry young male was said to leave the premises at around 2230 hours screaming "COME ON THEN" in the direction of the pub as he walked away. He carries on screaming, kicking walls and smashing the fence to the Salvation Army premises before entering gardens to flats owned by pensioners. On the patio, he pulls up a paving slab from a patio and then walks back towards the pub before breaking the paving slab on the pavement into smaller pieces. The witness describes a blonde female in her late 30's to early 40's coming outside the pub, talking to the male and calming him down



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before he leaves.

This was not reported to police by the premises despite the level of violence displayed. This again highlights the management's failure in promoting the licensing objective, prevention of crime and disorder and shows its clientele is causing a serious public nuisance to the surrounding community. The witness advised police that the incident on 1st April 2012 was shocking and they had real concern for the safety of persons, giving the number of young families in the area. As a local resident they also describe finding broken clear glass in the street outside the pub which poses a hazard to the public.

Further public nuisance was reported to police regarding an incident on 22nd April 2012 (see appendix 21). A local resident complained that between the hours of 00:30 and 01:45 they experienced extremely loud and unruly behaviour from customers leaving the pub premises. The resident advised police that bricks were thrown on to their driveway by persons although no damage was caused. This behaviour has left the resident feeling very unsettled and the complaint had been reported to environmental health by a local councillor.

There is clear evidence of drug use in the premises, anti-social behaviour connected with the premises, serious assaults and yet the management appear reluctant to take action to promote licensing objectives. A premises such as this with the issues it has requires strong management that is willing to work with police and to take action in order to promote licensing objectives. The current DPS has not taken on board any of the recommendations made by police and as a result, nearly all of the licensing objectives have been undermined. Police feel it is necessary to request the removal of the current DPS. The conditions that have been requested will assist a new DPS in resolving the issues that exist at the premises. This review is brought by Hampshire Constabulary as a responsible authority under the Licensing Act 2003, as it believes the club is failing in its obligation to promote licensing objectives, particularly in relation to prevention of crime and disorder and the protection of children from harm.

Have you made an application for review relating to these premises before: Yes | No

If yes please state the date of that application: / /
Day Month Year

If you have made representations before relating to this premises please state what they were

Please tick

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

[Redacted]




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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

Signature of Officer Completing

Name PC HARRIS Collar Number: 24288
Signature:  Date: 09/05/2012

Signature of Authorising Officer (Inspector or above)

Name Inspector John McGonigle Collar Number: 1399
Signature:  Date: 17/05/12



Event details

Event type: Assaults
Reported time: 2011-06-18 21:51:27
Closure time: 2011-06-18 23:43:32
Call source:
Priority: RESOLUTION WITHOUT DEPLOYMENT
Complainant: [REDACTED]
Complainant phone number(s): [REDACTED]
Location: 119 NORTH EAST
CHAMBERLAYNE ARMS
SOUTHAMPTON
SO19 8AJ

Dispatched officers

Event commentary

2011-06-18 21:51:27: STATES THAT HE WAS ASSUALTED IN THE PUB EARLIER, WAS HIT IN FACE AND EYE WITH A POOL CUE. FRIEND IS NOW TAKING HIM TO A AND E STATES THAT THEY BELIEVE HE LOST CONSINOUS. ADVISED TO GO TO A AND E AND TO CALL US WHEN HE IS FREE TO BE SEEN. SENT TO DESK FOR INO

2011-06-18 22:18:39: CALLED [REDACTED] HE IS IN SGH EYE DEPT HAVING EYE LOOKED AT NOW NOT FREE TO SPK - WILL CALL AS SOON AS ABLE TO

2011-06-18 23:11:43: C1 - CALLED [REDACTED] BACK - IT WAS HIS FRIEND COUSINS [REDACTED] WHO HIT HIM WITH THE POOL BUT. HE DOESNT KNOW ANY DETAILS AGES ETC FOR MALE INFT WILL BE HOME IN 10 MIN HE HAS SCRATCHES IN HIS EYE AND HAS TO GO BACK TO THE SGH TOMORROW FOR MORE TREATMENT - HE BELIVES HE LOST CONCIOUSNESS

2011-06-18 23:41:48: AB05E - AWARE - CAN WE SEE IF TPT HAVE ANYONE FREE - IF NOT CLOSE FOR DAYS SD06A - AT THIS TIME NFU

2011-06-18 23:43:08: C1 - CALLED INFT BACK - HE IS HAPPY TO BE SEEN TOMORROW

2011-06-18 23:43:32: *** RESULT *** FOR DEPLOYMENT BY DAYS

Working Sheet

Hampshire Constabulary

Printed: 25/04/2012 20:07 by 24288

Occurrence: **44110254601 Assault @18/06/2011 21:51**

Author: #14392 COWLEY, S.

Report time: 09/07/2011 20:19

Entered by: #14392 COWLEY, S.

Entered time: 09/07/2011 20:19

Remarks: No CCTV available

Spoke to Sue DIAPER, land lady of the public house, she said that there is no CCTV on site as she feels that she does not need it.

Therefore no CCTV to help with the investigation.

Event details

Event type:	Nuisance Incident
Reported time:	2011-07-09 01:43:06
Closure time:	2011-07-09 02:35:42
Call source:	TELEPHONE CALL
Priority:	SCHEDULED RESPONSE
Complainant:	[REDACTED]
Complainant phone number(s):	[REDACTED]
Location:	119 NORTH EAST CHAMBERLAYNE ARMS SOUTHAMPTON SO19 8AJ

Dispatched officers

Event commentary

2011-07-09 01:43:06: CALL FROM IFNT WHO STATED THERE IS A PARTY GOING ON AT THE PUB AND THERE ARE ANUMMBER OF PEOPLE IN THE GARDEN - THERE IS MUSIC AND LOTS OF PEOPLE TALKING. INFT ASKING IF AN OFFICER CAN COME OUT AS ITS VERY LOUD AND SHE CANNOT SLEEP. INFT ADIVSED OF POLICE POWERS AND GIVEN THE EHO NUMBER. TO C1 IF ANY LOCAL OFFICER CAN CHECK

2011-07-09 02:35:42: *** RESULT *** INC NIOTED NO FREE UNIT AT TIME OF CALL NO FURTHER CALLS

APPENDIX 5.

Working Sheet

Hampshire Constabulary

Printed: 25/04/2012 20:00 by 24288

Occurrence: **44100017640 Z Prem Licence (Management Occurrence)**

Author: #2193 SULLIVAN, M. Report time: 20/07/2011 18:41
Entered by: #2193 SULLIVAN, M. Entered time: 20/07/2011 18:41
Remarks: Licensing Visit 20/07/2011

Premises visited today by PC, Harris & Sullivan.

There has been an assault at the premises recently where a male was assaulted with a pool cue, the OIC stated tht there is no CCTV at the premises.

There is aso recent intel suggesting that there is regular drug use at the premises.

On arrival we were met by the Tanya Bull the daughter of the DPS Susan Diaper.

She explained that her mother was currently upstairs and was quite ill.

She should be well enough to speak to the Police next week and PC Harris will arrange to re visit the premises.

Tanya stated that she works at the pub regularly and may someday soon be taking it over so in the meantime we discussed a few things with her namely the lack of an incident book, she state that the male involved in the pool cue assault has been barred but could produce no documentary proof of this, we explained her the use she could make of a Daybook to record any and all incident sat the premises, she stated that she would get one straightaway, i have emailed her our suggestions for its use.

PC Harris also took Ion Trak swabs from the toilets these will be tested asap and the results made known to the DPS.

I have also posted some Challenge 25 and some Drugs Posters for their use which they agreed would be useful for them to have.

Copy of email sent is shown below.

M.Sullivan PC 2193

Tanya

Re the suggestion that you should obtain an incident book to record any incidents at the Chamberlayne Arms.

Southampton Police Licensing Unit believe that it is good practice for licensed premises such as yours to use an A4 or similar sized diary where there is one page per day to record any incidents or occurrences such as:

Incidents such as assaults or disturbances

Refusals and reasons

Ejections and reasons

Persons Barred and reasons

The names and licence numbers of any SIA registered door supervisors employed and their start and finish time, and the reason they were working.

Don't forget where there are no incidents record in the diary - No Incidents

The posters are in the post and my colleague PC Jon Harris will be in contact soon to arrange a visit to see your mum and let you know the drug swab results.

Best regards, Mike

Mike Sullivan PC 2193

Violent Crime & Licensing Unit

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

Please ask for: Gavin Derrick
Our ref:

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

Licensing Act 2003
Chamberlayne Arms, 119 North East Road, Southampton

The environmental health service has a duty, under the Environmental Protection Act 1990, to investigate complaints about noise and take action to abate noise if it constitutes a statutory nuisance.

The Environmental Health Service is also a responsible authority for the purposes of the Licensing Act 2003.

I am making this representation, on behalf of the environmental health service, in relation to one of the licensing objectives: namely the prevention of public nuisance.

I have reviewed the environmental health services records relating to the Chamberlayne Arms, 199 North East Road, Southampton.

In July 2008, the environmental health service received complaints alleging that amplified music from the Chamberlayne Arms was causing disturbance to neighbouring residents. The environmental health service investigated the complaints and was satisfied that the amplified music constituted a statutory nuisance. A noise abatement notice was served on Susan Diaper on 2 June 2008.

The abatement notice required Susan Diaper to reduce the volume of amplified music to a level that does not cause a statutory noise nuisance.

The abatement notice was breached twice during the summer of 2008, on 19 July 2008 and on 19 September 2008. The amplified music was being played by a DJ on both occasions and substantially interfered with neighbouring resident's enjoyment of their homes. Susan Diaper, the designated premises supervisor was prosecuted and fined £800 for failing to comply with the noise abatement notice.

In March 2012, the environmental health service received information from Councillor Fitzhenry that noise from the Chamberlayne Arms was disturbing residents. On 5 April 2012, I met Susan Diaper at the premises to deliver a letter advising noise complaints had been received by the environmental health service and to discuss practical ways to control noise. On 4th May 2012, a complaint about noise from the Chamberlayne Arms was investigated. Amplified music from the premises was audible in a neighbouring resident's home at a level which constituted a statutory nuisance. The bass frequencies were particularly prominent.

The premises licence permits regulated entertainment to be provided. This includes the provision of live and recorded music. The environmental health services records show that amplified music provided as entertainment at the premises may cause disturbance to neighbouring residents.

The licence currently permits live music between 1200 and 2300. The permitted hours for recorded music varies through the week and is permitted between 1000 and 2330 from Sunday to Thursday and between 1000 and 0030 on Friday and Saturday. Residents are more sensitive to noise later in the evening and the noise nuisance witnessed by the environmental health service has been caused by recorded music being played.

It is recommended that the Licensing Sub-Committee consider the history of the premises and restrict that permitted hours for recorded music to 1200 to 2300 hours, in line with those permitted for live music. This will reduce the potential for amplified music to cause nuisance to neighbouring residents and promote the licensing objective, namely the prevention of public nuisance. ‘

Yours sincerely

Gavin Derrick
Environmental Health - Team Leader

Licensing & Democratic Services
Southampton City Council
Southbrook Rise
4-8 Millbrook Road East
Southampton
SO15 1YG

Our ref: MCJ/arx/98454.16776.9
Your ref:
Date: 13th June 2012
E-Mail:
Direct Fax:

BY E-MAIL AND POST

Dear Sirs

re: The Chamberlayne Arms, 119 North East Road, Southampton, SO19 8AJ
Application for Review
Representation on behalf of an interested party

We act for Enterprise Inns PLC who is the freehold owner of these premises. Enterprise Inns PLC owns around 7000 public houses in England and Wales. It does not however, operate any of them. Every premise that is open and trading does so under a Lease/Tenancy Agreement by which the tenant operates his/her/its business out of our client's premises.

These premises are the subject of a 20 year lease. The tenant is Mrs Susan Diaper. Mrs Diaper is the Premises Licence holder.

In the circumstances, our client, as freehold owner, is an interested party by virtue of Section 13 (3) (c) of the Licensing Act 2003 and we would therefore be grateful if you would accept this letter as a formal representation on behalf of our client as an interested party.

Our client has no operational responsibility for these premises whatsoever and therefore takes a wholly neutral stance with regard to the allegations raised by Hampshire Police in the review papers.

Our client's business is the leasing of licensed premises. It cannot lease something that does not have a licence. Paragraph 11.21 of the statutory guidance which deals with review states that the licensing authorities, in deciding which of its powers to invoke should "so far as possible seek to establish the cause or causes of the concerns that the representations identify". The paragraph goes on to state that the "remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response". The Hampshire Police have issued the review on the basis of the prevention of crime and disorder, public safety and the prevention of public nuisance and it is clear from the review papers that their concerns centre on the

management and operation of the premises. In order to address these issues and to ensure that the licensing objectives are promoted, Enterprise Inns PLC would respectfully suggest that the Committee in determining the application for review, consider imposing conditions relating more specifically to the issues which are causing the Police concern. Enterprise Inns PLC would respectfully suggest that the Committee give consideration to imposing conditions relating to: the creation of a drugs policy which would be formulated collaboratively by the licensee, the police and the staff and which would include regular toilet checks; and the introduction of an incidents log/book which would be available at all times for inspection by the police.

We would submit that the imposition of such conditions would serve to promote the licensing objectives.

On the basis that this letter positively addresses how the licensing objectives can be promoted and consequently accords with paragraph 52 (7) of the Licensing Act 2003, we would be grateful if you would confirm that the representation is relevant and accepted.

We look forward to hearing from you.

Yours faithfully

GOSSCHALKS

Cc. Andrew Gardner, Regional Manager

