

Reference: 2012/02547/01SPRD

Hearing:

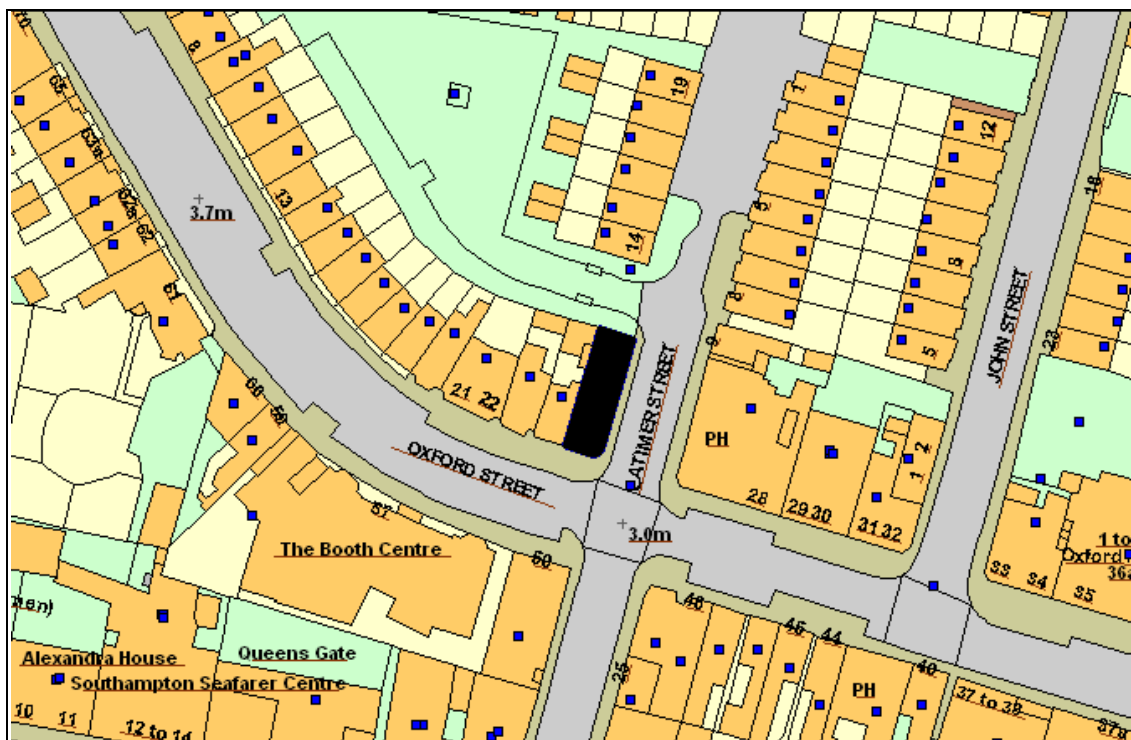
31st January 2013

Variation Application for Premises Licence - DPS Variation

Premises Name: Prezzo
Premises Address: 25 Oxford Street
Southampton
SO14 3DJ

Application Date: 29th November 2012
Application Received Date: 6th December 2012

Application Valid Date: 6th December 2012



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Representations From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Police - Licensing	No	See attached representation

Legal Implications

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

The panel must also have regard to:-

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

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 **PREZZO PLC**

(full name(s) of premises licence holder)

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

Premises licence number

2009/00041/01SPRD

Part 1 - Premises details

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

Prezzo
25 Oxford Street
Southampton
Hants

SO14 3DJ

Telephone number (if any)

02380 226181

Description of premises (please read guidance note 1)

Restaurant

RECEIVED

06 DEC 2012

Part 2

Full name of proposed designated premises supervisor

Mr Marian Kalnovic

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

Full name of existing designated premises supervisor (if any)

Carlos Pereira

Please tick yes

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

I have enclosed the premises licence or relevant part of it

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

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

Please tick yes

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

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

Part 3 - Signatures (please read guidance note 2)

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

Signature _____

Date 29/11/12

Capacity Financial Controller

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

Signature _____

Date _____

Capacity _____

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

Prezzo Plc
Johnston House
8 Johnston Road

Post Town Woodford Green	Post Code IG8 0XA
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	



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

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

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

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

Name of Applicant:	Prezzo PLC
Name of Proposed DPS:	Mr Marian Kalnovic

Details of relevant conviction (Personal Licence Applications ONLY)

Postal address of premises:	Prezzo 25 Oxford Street Southampton
Postcode:	SO14 3DJ

Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:	PC
Surname: CONWAY	First Names: SHARON
Current postal address :	Southampton Central Police Station Southern Road Southampton
Postcode:	SO15 1AN
Daytime telephone number:	02380674768
E-mail address: (optional)	western.licensing@hampshire.pnn.police.uk

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



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

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

- | | | |
|---|-------------------------------------|--|
| 1) The prevention of crime and disorder | <input checked="" type="checkbox"/> | <i>Please select
one or more
boxes</i> |
| 2) Public safety | <input type="checkbox"/> | |
| 3) The prevention of public nuisance | <input type="checkbox"/> | |
| 4) The protection of children from harm | <input type="checkbox"/> | |

Please state the ground(s) for representation:

Hampshire Constabulary believe that, should Marian Kalnovic be specified as a DPS at Prezzo, 25 Oxford Street, the licensing objective to prevent crime and disorder will be undermined.

On 21st December 2012, two applications were received from Prezzo PLC to specify Marian Kalnovic as DPS. One application was in relation to Prezzo, 25 Oxford Street, Southampton. The second application was in relation to Prezzo, Swan Centre, Eastleigh.

An email was sent to the applicant on 21/12/12 by the police licensing team pointing out the concerns. To date, there has been no response.

The two venues are located a travelling distance of approximately six miles apart. Both premises operate late into the evening. Both are located in busy town and city centres, with the challenges that such locations can attract.

On further research, records held by Hampshire Constabulary show that Marian Kalnovic is already the DPS at Prezzo branches in Romsey and Portsmouth.

The expectation of the DPS is that they are in day to day control of the premises for which they are responsible.

Where there is such a distance between premises, it is unlikely that the proposal will allow for a single point of contact at each premises and an easily identifiable responsible person should there be an incident. The provision of a single point of contact should staff need direction as to refusals or in dealing with an incident is of paramount importance is supporting the licensing objective to prevent crime and disorder.

Without such a provision, it is likely that the ability of the premises to effectively deal with such incidents would be compromised, thus undermining the licensing objective to prevent crime and disorder.

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



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

Police recommendations (including any conditions)
That the applicant submit an application to specify a suitable individual at each premises as
DPS.

Signature of Officer Completing

Name Sharon CONWAY Collar Number: 22237
Signature: _____ Date: 4/1/13

Signature of Authorising Officer

Name R IAN MARSHMAN Collar Number: 3555
Signature: _____ Date: 4/1/13