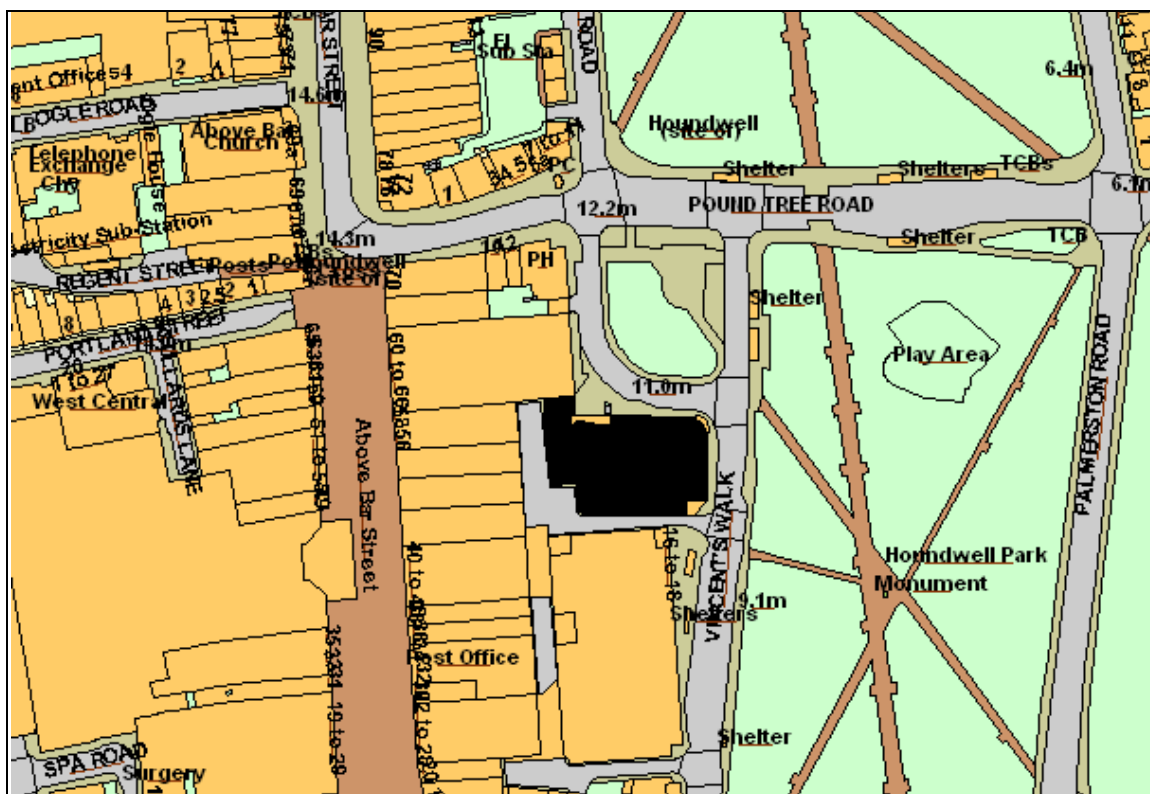


LICENSING (ACT 2003) SUB-COMMITTEE
POLICE OBJECTION TO TEMPORARY EVENT NOTICE



HEARING DATE. **MONDAY 7TH OCTOBER 2013**

Premises Name: **Voodoo Lounge**
 Premises Address: **Vincent's Walk Southampton SO14 1JY**
 Temporary event dates: **00:00 12th October 2013 to 06:00 12th October 2013**
 Notice Date: **23rd September 2013**
 Notice received on: **24th September 2013**
 Reference: **2013/03357/04STEN**



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Objection from Police

Responsible Authority	Ground	Comments
Hampshire Constabulary	1) The prevention of crime and disorder 2) Public Safety 3) Prevention of Public Nuisance	

Legal Implications

1. Part 5 of the Licensing Act 2003 restricts objections to temporary event notices (TENs) to the Police. The Police may only object on the ground that they are satisfied that allowing the premises to be used in accordance with the notice would undermine the crime prevention objective.
2. In such circumstances, the Police must give an objection notice to the Council and the premises user stating the reasons why they are so satisfied within 48

hours of receiving the TEN from the premises user.

3. The Police and the premises user may agree modifications to the temporary event notice and the Police will then send the modified TEN to the premises user and a copy to the Council. The Police objection must then be treated as withdrawn.
4. Unless the premises user, Police and the Council agree that a hearing is unnecessary, or the TEN is modified as indicated above, the Council is then required to:
 - a. hold a hearing to consider the objection notice, and
 - b. give the premises user a counter notice under section 105 of the Licensing Act 2003, if, having regard to the objection notice, the Council considers it necessary for the promotion of the crime prevention objective. Such counter notice would have the effect of cancelling the TEN.
5. The sub-committee may consider only the crime prevention objective in these circumstances; the other three objectives specified by the Licensing Act 2003 (public safety, the prevention of public nuisance and the protection of children from harm) may not be considered.
6. Such a hearing must be concluded, and notice of the decision given to the premises user and the Police, no later than 24 hours before the temporary event is due to commence.
7. The sub-committee, in considering the Police objection to the TEN, must have regard to the adopted Statement of Licensing Policy and evidence before it at the hearing.
8. The Licensing Act 2003 does not make provision for any appeal against the sub-committee's decision to give, or not to give, a counter notice.
9. In considering this application the sub-committee will sit in a quasi-judicial capacity and is thus obliged to consider applications in accordance with both the Licensing Act 2003 (Hearings) Regulations 2005, and amending secondary legislation and the rules of natural justice. The practical effect of this is that the sub-committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.
10. Copies of the TEN and the Police objection are annexed to this report.
11. The sub-committee must also have regard to:-
12. *Crime and Disorder Act 1998*

Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

13. *Human Rights Act 1998*

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

Temporary Event Notice



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

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

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

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	Timson		
Forenames	Richard		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth	Day26	Month6	Year1988
4. Your place of birth	Southampton		
5. National Insurance Number	JZ099011D		
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
<div style="display: flex; align-items: center;"> <div style="background-color: black; width: 150px; height: 40px; margin-right: 10px;"></div> <div> <p>71 Atlantic Close</p> <p>Southampton</p> <p>SO14 3TB</p> </div> </div>			
Post town Southampton		Post code SO14 1JY	
7. Other contact details			
Telephone numbers			
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail Address (if available)	timsonrichard@rocketmail.com		
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			
Post town		Post code	

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

2. The premises

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

1-4 Vincent Walk
Southampton
Hampshire
So14 1jy

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

Premises licence number	2013/00651/01SPRD
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Club premises certificate number	
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If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

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

Night Club

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

Discotheque
we will be running to our terms and agreements on our license

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input checked="" type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	
12/10/2013	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)	
00:00 - 06:00	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)	499
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11)	On the premises only <input checked="" type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input type="checkbox"/>


4. Personal licence holders (Please read note 12)	
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.	
Issuing licensing authority	Southampton City Council
Licence number	2012/01727/02SPEN
Date of issue	13/08/2012
Date of expiry	12/08/2022
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 13)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year	3	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

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

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

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

9. Declarations (Please read note 17)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
<ul style="list-style-type: none"> (i.) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and (ii.) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both. 	
Signature	
Date	23/09/2013
Name of Person signing	Richard Timson

For completion by the licensing authority

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



2013/03357/045TEN



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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:

Table with 2 columns: Application type (e.g., Grant for a personal licence, Grant for a temporary event notice) and Object period (e.g., within 14 days, 2 days, 28 days).

Name of Applicant: Richard TIMSON
Name of Proposed DPS:

Details of relevant conviction (Personal Licence Applications ONLY)

Postal address of premises: Club Voodoo Lounge, 1-4 Vincent Walk, Southampton, SO141JY

Details of responsible authority applicant

Mr [] Mrs [] Miss [] Ms [] Other title / Rank: PC
Surname: CONWAY First Names: SHARON
Current postal address: Southampton Central Police Station, Southern Road, Southampton, SO15 1AN
Daytime telephone number: 02380 674768
E-mail address: 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





[REDACTED]

**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 checked="" type="checkbox"/> | |
| 3) The prevention of public nuisance | <input checked="" type="checkbox"/> | |
| 4) The protection of children from harm | <input type="checkbox"/> | |

Please state the ground(s) for representation:

On behalf of the Chief Officer of Police, I am writing to lodge a representation of the above application on the following grounds:

- 1) The prevention of Crime and Disorder
- 2) Public Safety
- 3) The Prevention of Public Nuisance

Hampshire Constabulary received an application for a temporary event notice (TEN) from Richard Timpson in relation to Club Voodoo Lounge. The TEN is for 12th October 2013, for the hours of 0000 to 0600. This TEN was received on 24th September 2013.

Hampshire Constabulary have serious concerns should the TEN be authorised. These concerns are outlined below.

The current operating hours are until 0300 on this day. Conditions on the operating schedule have been in place since 14th March 2013.

Voodoo Lounge predominantly aim for the student business of the night time economy. This target market, aged from 18 to early 20's, are vulnerable for a number of reasons. This age group are relatively new to alcohol, so cannot assess their level of drunkenness adequately. In late September and early October, the risk to this group is also increased because they are new to Southampton and within a new and unfamiliar peer group.

On 20/09/13, Voodoo Lounge opened to the new student market, having been closed for the majority of the summer holiday period. During this opening night, there were two issues which give rise to serious concerns regarding the welfare of customers and premises support of the licensing objectives, namely the prevention of crime and disorder, public safety, and the prevention of public nuisance.

The first issue occurred at 00:36 hours on 21/09/13. A male, described as being 'in drink' by the manager, had been ejected from the premises. PC Leniston went to assist the doorman and manager. The incident escalated with the drunken male becoming abusive and aggressive towards PC Leniston. PC Leniston had to restrain the male on the ground in order to prevent injury to himself and others. Assistance was provided by the head doorman

[REDACTED]



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

of Voodoo Lounge. The male was eventually given a dispersal notice under S27 Violent Crime Reduction Act.

The second issue is of more serious concern. Whilst PC Harris and PC Wood were at the venue, initially to assist PC Leniston, a male was seen to be carried out from Voodoo by several members of Voodoo door staff at about 00:55hrs. The male is left on a cold pavement and is described as 'unresponsive'. No first aid or care is provided to the male by Voodoo staff, with no-one from the venue, including the DPS Richard Timson, taking control or providing direction. An ambulance is called by police, with PC Harris and PC Wood taking control of the male's welfare, and offering basic first aid. Eventually this male comes round and is taken to hospital by ambulance.

This incident not only undermines the licensing objectives to prevent crime and disorder, promote public safety and prevent public nuisance, Voodoo have not upheld their responsibilities which are clearly outlined in their operating schedule. No effective 'club nanny' was appointed and the first aid room was not used. It later transpired that the person allocated the job of 'club nanny' was the head doorman, who was not in a position to be inside the venue as the condition requires. As the first aid room was not used, Voodoo Club have not provided a safe space for the male, undermining the licensing objectives to promote public safety.

Given that this male was brought out of the venue in such an unconscious state with the venue trading until 0300hrs, with the lack of first aid care that was offered, Hampshire Constabulary do not believe that the granting of a TEN allowing trading until 0600hours will promote the licensing objectives. There is considerable risk that more customers will require medical assistance due to being able to consume more alcohol for a longer period of time, which Voodoo have shown they are not in a position to adequately provide at this time.

If Richard Timson and Voodoo Lounge are not able to operate within their operating schedule and conditions having had months of preparation time, then it is likely that the licensing objections will be further undermined with the proposed extension in sales of alcohol until 0600hrs.

Hampshire Constabulary believe that, in order for the licensing objectives to be promoted, the TEN should not be granted for 12th October 2013.

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

Police recommendations (including any conditions)





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

The temporary event notice for 12th October 2013 should not be granted.

Signature of Officer Completing

Name S. CONWAY

Collar Number: 22237

Signature:

Date: 26/09/13

Signature of Authorising Officer

Name S. WOOD

Collar Number: 2117

Signature:

Date: 26/09/13

