

DECISION-MAKER Licensing (Licensing and Gambling) Sub-Committee

SUBJECT Hearing to Consider an application for a Premises Licence –
Roosters Piri Piri, 25 London Road, Southampton SO15 2AD

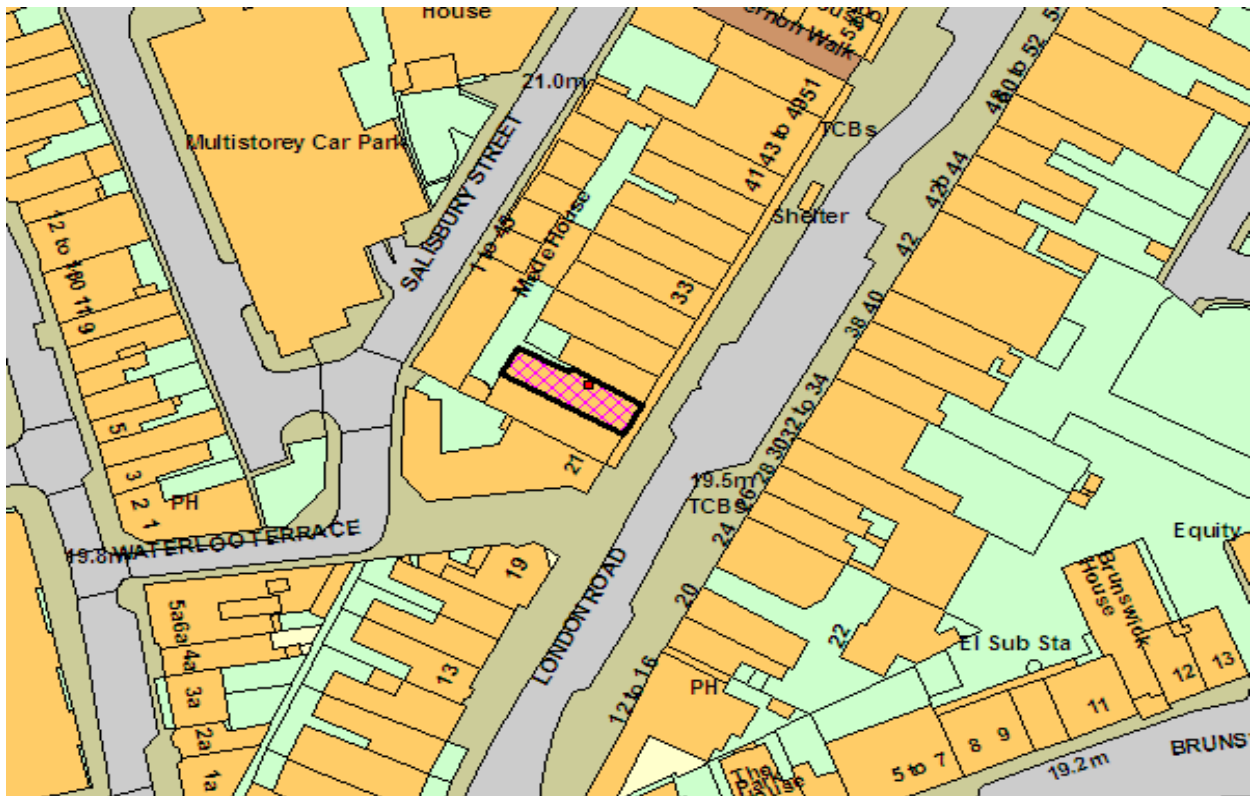
DATE OF HEARING Thursday 31st July 2014

REPORT OF Head of Legal and Democratic Services

E-mail licensing@southampton.gov.uk

Application Date : 05 June 2014 **Application Received** 09 June 2014

Application Valid : 09 June 2014 **Reference :** 2014/02255/01SPRN



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Responsible Authority	Satisfactory?
Child Protection Services - Licensing	No Response Received
Hampshire Fire And Rescue - Licensing	Yes
Environmental Health - Licensing	No Response Received

Planning & Sustainability - Building Control - Licensing	No Response Received
Primary Care Trust - Public Health Manager	No Response Received
Police - Licensing	No
Trading Standards - Licensing	No Response Received

Other Representations

Name	Address	Contributor Type
	None Received	

Legal Implications

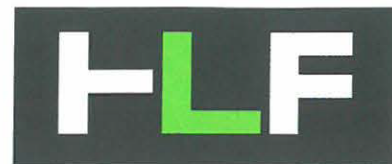
1. The Licensing Act 2003 specifically restricts the grounds on which the Council, as Licensing Authority (LA), may refuse an application for a new Premises Licence, or impose conditions. Where relevant representations are made, the LA may refuse on the grounds that the licensing objectives are not met or the operating schedule is inadequate. Equally, conditions may be imposed where relevant and necessary. The LA may also refuse an application in part and thereby only permit some of the licensable activities sought.
2. The decision making committee, in considering an application, must have regard to the adopted Statement of Licensing Policy and any relevant representations made by those directly affected.
3. An applicant for a new Premises Licence whose application has been refused, or who is aggrieved by conditions imposed, may appeal against the decision to the Magistrates' Court.
4. In considering this application the 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 committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.
The committee must also have regard to:-
5. *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

6. *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 persons 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.

Our Ref: PJD/CTW/T1417-002-5
Your Ref:



HORSEY LIGHTLY FYNN
SOLICITORS & TOWN PLANNERS

5 June 2014

3 Poole Road
Bournemouth
Dorset BH2 5QJ

The Licensing Team
Southampton City Council
PO Box 1344
Southampton
Hampshire
SO15 1WQ



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email: karen@hlf-law.co.uk
web: www.hlf-law.co.uk

For the attention of Mr A Jeffrey

Dear Mr Jeffrey

Premises Licence Application - 25 London Road, Southampton

Further to my email of today's date, please find enclosed the original of the Premises Licence application and two colour copies of the layout plan, along with our cheque for the application fee of £190.

Would you please acknowledge safe receipt and confirm that you agree the date of Monday 7th July as the last date for representations to be made?

Yours sincerely

Philip Day

Direct Dial:

uk



SOUTHAMPTON CITY COUNCIL

Application for a premises licence to be granted 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 R & V Partners Limited

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
Roosters Piri Piri
25 London Road
Post town Southampton Postcode SO15 2AD

Telephone number at premises (if any) N/A
Non-domestic rateable value of premises £ 23000

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * [] please complete section (A)
b) a person other than an individual *
i. as a limited company [x] please complete section (B)
ii. as a partnership [] please complete section (B)
iii. as an unincorporated association or [] please complete section (B)
iv. other (for example a statutory corporation) [] please complete section (B)
c) a recognised club [] please complete section (B)
d) a charity [] please complete section (B)
e) the proprietor of an educational establishment [] please complete section (B)
f) a health service body [] please complete section (B)

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name R & V Partners Limited
Address Registered Office 262 Old Christchurch Road Bournemouth BH1 1PF
Registered number (where applicable) 07634660
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
0	1	0
7	2	0
1	4	

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
┐	┐	┐
┐	┐	┐
┐	┐	┐

Please give a general description of the premises (please read guidance note 1)

The applicant company is in the process of acquiring a lease of the premises and a franchise for the Roosters Piri Piri brand.

They already operate very similar but slightly smaller premises in Old Christchurch Road, Bournemouth which is likewise situated in a cumulative impact area.

The premises are being fully refurbished and fitted out to a high standard.

The intention is to trade during the day offering facilities for about 20 customers to eat in the premises and (subject to the grant of an appropriate consent) for about 10 more to eat at tables and chairs on the pavement outside the premises. The use of the outside area would cease no later than 9 p.m.

In addition, the premises will make takeaway food available and seek a licence to permit late night refreshment to be sold both for consumption in the premises and away from the premises until 1 a.m. on Sundays through to Wednesdays and until 5 a.m. on Thursday, Friday and Saturday nights (and Sundays falling on Bank Holiday weekends).

The applicants are aware of the Council's policy and Cumulative Impact Areas and offer the conditions set out in section M to ensure that each of the licensing objectives is promoted.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

Not applicable

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- 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)

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

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

NOTE THAT BOXES A TO H INCLUSIVE ARE BLANK AND HAVE NOT BEEN REPRODUCED IN THE INTERESTS OF SUSTAINABILITY

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Please see the general description above. Note that references to 01:00 and 05:00 are references to the day following.		
Mon	23:00	01:00			
Tue	23:00	01:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) None		
Wed	23:00	01:00			
Thur	23:00	05:00	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 (please read guidance note 5) On Sundays falling on Bank Holiday weekend, from 23:00 hours until 05:00 on the Bank Holiday Monday		
Fri	23:00	05:00			
Sat	23:00	05:00			
Sun	23:00	01:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name No DPS – the premises will not be licensed for alcohol	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

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).

None.

L

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	07:00	01:00	<p>None. Please see the general description above. Note that references to 01:00 and 05:00 are references to the day following.</p> <hr/> <p><u>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</u> (please read guidance note 5)</p> <p>On Sundays falling on Bank Holiday weekend, from 07:00 hours until 05:00 on the Bank Holiday Monday</p>
Tue	07:00	01:00	
Wed	07:00	01:00	
Thur	07:00	05:00	
Fri	07:00	05:00	
Sat	07:00	05:00	
Sun	07:00	01:00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

Note - not intended to form part of the licensing conditions. The applicant recognises that these premises are situated within one of Southampton's Cumulative Impact Areas. There is a Subway outlet in the adjoining property which is advertised as being open from 7 a.m. until 3 a.m. Tuesdays to Fridays, 8 a.m. until 3 a.m. on Saturdays, 8 a.m. to midnight on Sundays and 7 a.m. to midnight on Mondays. There are two further take aways on London Road (east side) one of which has had its lease forfeited (Prince) and one (Southampton Kebab) which is currently closed. The majority of restaurants and take-aways are situated along Bedford Place but very few of these offer modern facilities. There are also a number of nightclubs and bars within this cumulative impact area. Full details of other licensed premises in the locality can be made available if required.

In considering this application, the applicant has assessed the risks of late night opening in this location (and has the benefit of operating premises in central Bournemouth in an area which, if anything, has a higher density of both alcohol and late night refreshment licensed premises) and against that assessment, offers the conditions set out below to ensure that the licensing objectives are effectively promoted. Please note that these premises will not be licensed to sell alcohol.

Please also note that the premises has the benefit of a planning consent permitting the intended use but the consent is subject to a condition that the food and drink uses "shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours" namely 10:00 hours to 24:00 hours (midnight) each day of the week "unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside."

The applicant will not operate the premises outside the hours authorised by the planning consent without first obtaining the necessary consent.

b) The prevention of crime and disorder

1. The premises shall be equipped with a digital CCTV system to a standard recommended by the police which shall include an external camera and a camera recording the faces of persons entering the premises.
2. The CCTV system shall be capable of instant playback of images on site and facilities shall be made available to permit the police to view such images on request, provided that the request is made in compliance with data protection legislation.
3. Images from the CCTV system shall be maintained for a minimum of 31 days and copies of images in a retrievable format shall be provided to the police as soon as reasonably practicable, on receipt of a request for copies, provided that the request is made in compliance with data protection legislation. Any breakdown of the CCTV system shall be reported to the police and rectified as soon as possible.
4. Signage advertising the use of CCTV shall be prominently displayed in the premises.
5. An SIA registered door supervisor shall be employed at the premises to work exclusively in a security capacity, from 23:00 hours until the premises close to the public or 05:00 hours, whichever is earlier on every Friday and Saturday night and on every Sunday falling on a Bank Holiday weekend. The premises shall from time to time carry out a risk assessment regarding matters of security and public safety and shall employ additional door supervisors or employ door supervisors at other times of the day or night as might be identified by such risk assessments as being necessary.
6. The premises shall operate a policy of refusing service to any person who is clearly drunk and/or who is abusive to staff. A notice shall be prominently displayed summarising this policy.

7. Customers shall not be permitted to enter the premises with alcohol in open containers and shall not be permitted to consume alcohol in the premises.

6. All staff shall be instructed to call the police for assistance in the event that they are threatened or abused by any customer.

c) Public safety

Note - not to form part of the licence conditions. The premises are required to comply with all manner of other regulations relating to (for example) food hygiene and fire safety. The applicant considers that compliance with those regulations will ensure public safety in the premises and, coupled with the condition above relating to the employment of the door supervisor, do not consider it necessary or appropriate to propose any specific conditions under this objective.

d) The prevention of public nuisance

1. A notice (or notices) shall be prominently displayed at the exit from the premises asking customers to leave quietly and to dispose of their rubbish responsibly.

2. All food sold for consumption away from the premises shall be provided in packaging which clearly identifies the food as having been sold at the premises.

3. The holder of the licence shall ensure that as the premises close each night, staff are instructed to carry out a litter sweep of the area within a 100 metre radius of the premises on the western side of London Road and to pick up and properly dispose of any packaging or other material that has come from the premises.

4. There shall be no collection of waste from the premises between 23:00 hours and 07:00 hours daily.

5. Any tables and chairs placed on the highway (footpath) outside the premises shall be folded up and secured no later than 9 p.m. each evening so as to prevent customers and others making use of the same late at night.

6. A notice setting out the daily opening hours of the premises shall be prominently displayed at or on the entrance.

e) The protection of children from harm

Note not to form part of the licence conditions. These premises will not be licensed to sell alcohol and the applicant does not therefore consider it necessary or appropriate to offer up any condition relating to this licensing objective.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.

- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

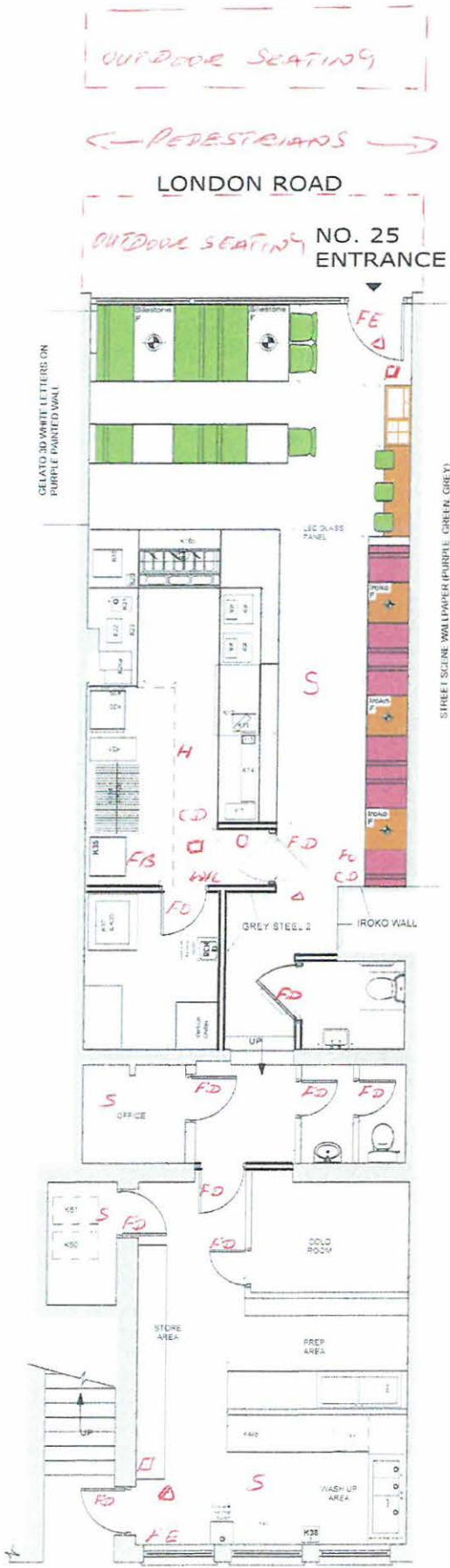
Signature	<i>PN Horsey Lightly Fynn</i>
Date	<i>5 June 2014</i>
Capacity	Solicitor for the Applicant

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Mr Philip Day Horsey Lightly Fynn 3 Poole Road			
Post town	Bournemouth	Postcode	BH2 5QJ
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick ‘on the premises’. If you wish people to be able to purchase alcohol to consume away from the premises, please tick ‘off the premises’. If you wish people to be able to do both, please tick ‘both’.

RECEIVED
11 JUN 2014



	PENDANT DARK CONCRETE DARK GREY SMALL
	PENDANT DARK CONCRETE DARK GREY LARGE
M	MOVABLE TABLES
F	FIXED TABLES
	WHITE SILSTONE TABLE
	WOOD TABLE
	SEATING SPECTRUM PURPLE (R/S 45429)
	SEATING SPECTRUM LIME (R/S 45420)
	WOOD
GREY WALL	DULUX GREY STEEL 2
LIME WALL	DULUX LIME 2587 1



- FO - FOAM EXTINGUISHER
- CD - CARBON DIOXIDE EXTINGUISHER
- WL - WET CHEMICAL EXTINGUISHER
- FB - FIRE BLANKET
- FD - FIRE DOOR
- Δ - EMERGENCY EXIT SIGNS
- - CALL POINT
- - FIRE PANEL
- FE - FIRE ESCAPE
- H - HEAT DETECTOR
- S - SMOKE DETECTOR

GROUND FLOOR

	Design
	Anna Tziastoudi MSc Architect
<small>Where dimensions are not given, drawings must not be scaled and the maker referred to Roosters Piri Piri. In the event of any dimensional conflict between Roosters Piri Piri 208 matter must be referred to Roosters Piri Piri for clarification. The Contractor must also refer to any separate Roosters Piri Piri Specifications to be read in conjunction with this drawing.</small>	
Project	
Roosters Piri Piri Southampton	
Drawing	
General Arrangements	
Address	DWG No
25 London Road SO15 2AD Southampton	001
Scale	Date
A3 @ 1:75	15/07/13

OUTDOOR SEATING

← PEDESTRIANS →

LONDON ROAD

OUTDOOR SEATING NO. 25 ENTRANCE



	PENDANT DARK TIMBER/RED OAK GREY WALL
	PENDANT DARK OAK/RED OAK GREY WALL
M	MOBILE TABLES
F	FIXED TABLES
Stainless	WASTE RECYCLING TABLE
WOOD	WOOD TABLE
	SEATING SPECTRUM PURPLE PIRI PIRI
	SEATING SPECTRUM RED PIRI PIRI
	ACOUSTIC
GREY WALL	PAINT GREY STEEL
LINE WALL	PAINT GREY STEEL



- FD - FOAM EXTINGUISHER
- CD - CARBON DIOXIDE EXTINGUISHER
- WU - WET CHEMICAL EXTINGUISHER
- FB - FIRE BLANKET
- FD - FIRE DOOR
- Δ - EMERGENCY EXIT SIGNS
- - CALL POINT
- D - FIRE PANEL
- FE - FIRE ESCAPE
- H - HEAT DETECTOR
- S - SMOKE DETECTOR

GROUND FLOOR

 <p>Design Anna Tziastoudi MSc Architect</p>	
<p><small>Where dimensions are not given, drawings must not be scaled and the master referred to Roosters Piri Piri.</small></p> <p><small>In the event of any discrepancy existing between Roosters Piri Piri, the master must be referred to Roosters Piri Piri for clarification.</small></p> <p><small>The Contractor must also refer to any relevant Roosters Piri Piri Specifications to be read in conjunction with this drawing.</small></p>	
<p>Project Roosters Piri Piri Southampton</p>	
<p>Drawing General Arrangements</p>	
<p>Address 23 London Road SO15 2AB Southampton</p>	<p>Draw No. 001</p>
<p>Scale A3 @ 1:75</p>	<p>Date 15/07/13</p>



HAMPSHIRE CONSTABULARY

NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

Before completing this form please read the guidance notes on page 3.
Once completed please send your representation form to your local Licensing Authority.
You must keep a copy of the completed form for police records.

Hampshire Constabulary wish to make a representation(s) regarding the grant or variation of a Premises Licence or Club Premises Certificate issued under the Licensing Act 2003.
These representations must be made within 28 days

Postal address of premises or club premises:			
Roosters Piri Piri 25 London Road			
Post town:	Southampton	Postcode:	SO15 2AD

Name of premises licence holder or club holding club premises certificate <i>(if known)</i>

Police Details

Hampshire Constabulary is a responsible authority.

Name and address:
PC 21071 NORRIS Southampton Central Police Station Southern Road Southampton SO15 1AN

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

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

Please select one or more boxes



HAMPSHIRE CONSTABULARY

NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

State the ground(s) for representation *(please read guidance notes 1 & 2)*

The police are making this representation based upon the effects of cumulative impact within the area. The applicant is applying for a New premises licence for Roosters Piri Piri , 25 London Road Southampton. They are requesting the licence to provide late night refreshments for the following hours. 23 00hrs to 01 00hrs on Sunday, Monday, Tuesday and Wednesday and 23 00hrs to 05 00hrs on Thursday, Friday and Saturday.

The area of concern in this particular case is London Road in Southampton, which based on evidence previously received by Southampton City Council is one of 3 areas that already suffers cumulative impact. As a result it is appropriate, proportionate and necessary for special policies to address that issue.

As per paragraph 16.7 of the Statement of Licensing Policy, Hampshire police make representations on the basis that this is a new application for a premises licence in the Bedford Place stress area. The business is part of a franchise for the Roosters Piri Piri brand.

The police are of the opinion that this application, if granted, has the potential to give rise to a negative cumulative impact on one or more of the licensing objectives.

The DCMS guidelines state that the effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licenses or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives”

The applicant has provided a number of steps that they intend to take to promote the four licensing objectives although the police do not consider that any number of conditions could prevent the premises from adding to the cumulative impact already experienced in the area.

London Road currently has two late night refreshment venues operating until 03 00hrs and another venue which is currently closed but does still have a valid licence until 03 00hrs and could re-open at any time. Neighbouring Bedford Place is also saturated with late night refreshment venues four of which are licensed until 04 00hrs, one until 03 30hrs, 2 until 0300 hrs and the others with varying closing times between midnight and 03 00hrs. Bedford Place is a very short walking distance from London Road and is well known as an area where hot food can be purchased until the early hours of the morning. The police suggest that there is already a very wide selection of late night refreshment venues for late night revellers to choose from without the need for another.

From experience, premises of this nature encourage people to hang around an area, when from a public interest and policing aspect we want them to go home. The customers in the majority are people who have been drinking alcohol in the surrounding clubs and bars, which can make them more



HAMPSHIRE CONSTABULARY

NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

susceptible to becoming involved in disorder. Flashpoints can often occur in these venues between large drunken groups of people which staff struggle to control. Although the applicant is proposing an SIA door staff condition as part of the application along with other conditions to strengthen the application this will not prevent disorder occurring but should mean that incidents will be dealt with professionally and go some way to protecting the staff.

Annex A is a graph showing the total amount of reported incidents to the police (this takes into consideration offences classified as assault, assault police, indecent assault, wounding, drug offences, Section 27 dispersal orders, criminal damage, offensive weapon, personal robbery and public order) in London Road. This is based on incidents in the six month period preceding 30th June 2014. There is a rise in reported incidents between 18 00hrs and 04 00hrs spiking between 01:00hrs and 04:00hrs.

Annex B is a graph showing the total amount of reported incidents to the police in Bedford Place. (same offences as listed for London Road) This again shows a steady increase in reported incidents between 23 00hrs and 03 00hrs peaking at 02 00hrs. There is a clear drop off in the amount of incidents being reported after 04 00hrs when premises are closing.

Annex C is a report produced by the Research and Analysis department for Hampshire Constabulary for the period of 1st December 2013 and 31st May 2014 and focuses on assaults and criminal damage that have occurred between 1900hrs and 0700hrs and have been reviewed to establish whether they are linked to the Night Time Economy. The most frequent times for the offences in the SW03 area (which covers London Road and Bedford Place) are between 02 00hrs and 02 59hrs. After this time there is a steady decrease in the levels of offending: a result of the closure of licensed premises and fast food outlets from 02 00hrs. The graph on page 3 shows that London Road is the most common street for NTE related assaults and criminal damage across the SW03 beat.

The report makes the following conclusion.

Piri Piri is situated in London Road which is the top recorded street for assaults and 2nd highest street for criminal damage in the SW03 Beat area; London Road sees a disproportionate amount of crime and disorder in comparison to the rest of the neighbourhood in which it is located.

Resources and funding are required to police this area every weekend and during key NTE events. Piri Piri is situated near to both Kellys and Tripp which are the two most problematic locations in terms of assaults and criminal damage in the London Road NTE.

The proposed extended opening hours of Piri Piri would undoubtedly increase the number of people who either enter the area or remain in the area after leaving night clubs; increasing the likelihood of further violent occurrences in this street which is already the highest street for violent occurrences in the area.

This will have the potential effect of extending the peak time periods for assaults and criminal damage in the NTE area, thereby potentially stretching resources aimed at policing the area.

Although the police recognise that there should be a clear separation in the planning and licensing regimes, the police are aware from the application itself that there is currently only planning consent



HAMPSHIRE CONSTABULARY

NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

permitting the use subject to a condition that the food and drink uses “shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours” namely 10:00hrs to 24:00hrs (midnight) each day of the week unless otherwise agreed in writing by the Local Planning Authority. As per paragraph 6.2 of the Statement of Licensing policy, it is recommended that applicants obtain planning permission and building regulation approval prior to an application being submitted. It is only a recommendation however, but if the premises licence was granted to 01 00hrs on Sun, Mon, Tues and Wed and 05 00hrs on Thurs, Fridays and Saturdays and the agreement for them to do so by Planning was not obtained a criminal offence could be committed.

An application was received for a different venue at 37 London Road by and the police objected to the late night refreshment aspect of that application. On September 22nd 2011 the decision was made by the sub committee to refuse the application. Part of the refusal was based on the location of the premises. “the sub committee holds grave concerns with regards to the location of the premises and the issue of crime and disorder in particular. (Annex D)

An application was also received for the same address by a different applicant which was again objected to by the police and the Sub Committee on the 9th August 2012 again the sub committee denied the application. Again part of the refusal was based on the location of the premises and was not a reflection on the applicant or how the business was going to be run.

“Despite the applicants assertion that the premises will not be selling alcohol after 23 00hrs and therefore not directly contributing to the crime and disorder issues experienced resulting from the consumption of alcohol, the sub committee has paid careful attention and considered carefully the effect that the proposed licensable activities will in fact have on those already in the area and concluded that despite the sale of alcohol ceasing at 23 00hrs the continued provision of late night refreshment would add to the problems of the area. (Annex E)

To summarise the London Road, Bedford Place area of Southampton is saturated with late night refreshment venues with a number of them currently operating until 04 00hrs. Police receive the most reported crime between the hours of 01 00 to 04 00 and this venue wishes to trade until 05 00hrs on Thursdays, Fridays and Saturdays. The addition of this new premises will only provide another focal point to prevent people going home when the bars and clubs close thus adding to the cumulative impact already experienced in the area. It is on this basis the police recommend that the licence is not granted.

State any conditions that the Police seek to negate the need for a hearing



HAMPSHIRE CONSTABULARY

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Should the licence be granted the police have agreed the following conditions with the applicant to be added to the licence with the agreement of the sub committee.

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 all levels of illumination throughout the premises as well as outside areas. No strobe lighting is to be used in the premises.

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

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/Manager MUST report the failure to the Southampton Police Licensing Unit.

SIA

Unless otherwise agreed in writing with the police (and a copy of the agreement filed with the Licensing Authority), a minimum of one SIA registered door supervisors shall be employed at the premises to work exclusively in a security capacity from 23 00hrs until all customers have departed and dispersed from the immediate area of the premises or 05 15hrs, whichever is earlier on every Thursday, Friday and Saturday night and on every Sunday falling on a bank holiday weekend.

A register of door supervisors will be maintained recording the date and time when they commenced and finished work. This will be made immediately available for inspection by a police officer or duly authorised officer of the Local authority and kept on the premises.

The premises shall from time to time carry out a risk assessment regarding matters of security and public safety and shall employ additional door supervisors or employ door supervisors at other times of the day or night as might be identified by such risk assessments as being necessary .

Children under the age of 18 years of age shall not be permitted on the premises after 23:00 hours unless accompanied by an adult. A sign to that effect shall be prominently displayed at or near the entrance



HAMPSHIRE CONSTABULARY

**NEW GRANT OR VARIATION OF PREMISES LICENCE
OR CLUB PREMISES CERTIFICATE
FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY**

Incident Book

An incident book will be kept at the premises in which will be recorded all incidents of crime and disorder and all ejections from the premises. This will be made available for inspection by a police officer or duly authorised officer of the Local Authority. Any incidents that include physical altercation or disorder, physical ejection, injury, id seizure or drug misuse will be recorded in the book. The entry is to include an account of the incident and the identity of all persons 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 member of staff. 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 door 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.

Last entry to the establishment by members of the public will be 10 minutes prior to the closing time.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS REPRESENTATION

Part 3 – Signatures *(please read guidance note 3)*

Recommendation of Police Officer

I would recommend that the licence is not granted.

Signature of Police Officer Completing

Signature:

PC 21071

Date:

5/7/14



HAMPSHIRE CONSTABULARY

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Recommendation of Police Sergeant

I fully support this objection as it will create more opportunity for crime and disorder in an area already saturated with NR houses.

Signature of Police Sergeant

Signature: _____

Date: _____

7th July 2014

Decision of Police Licensing Inspector

Signature of Police Licensing Inspector

Signature: _____

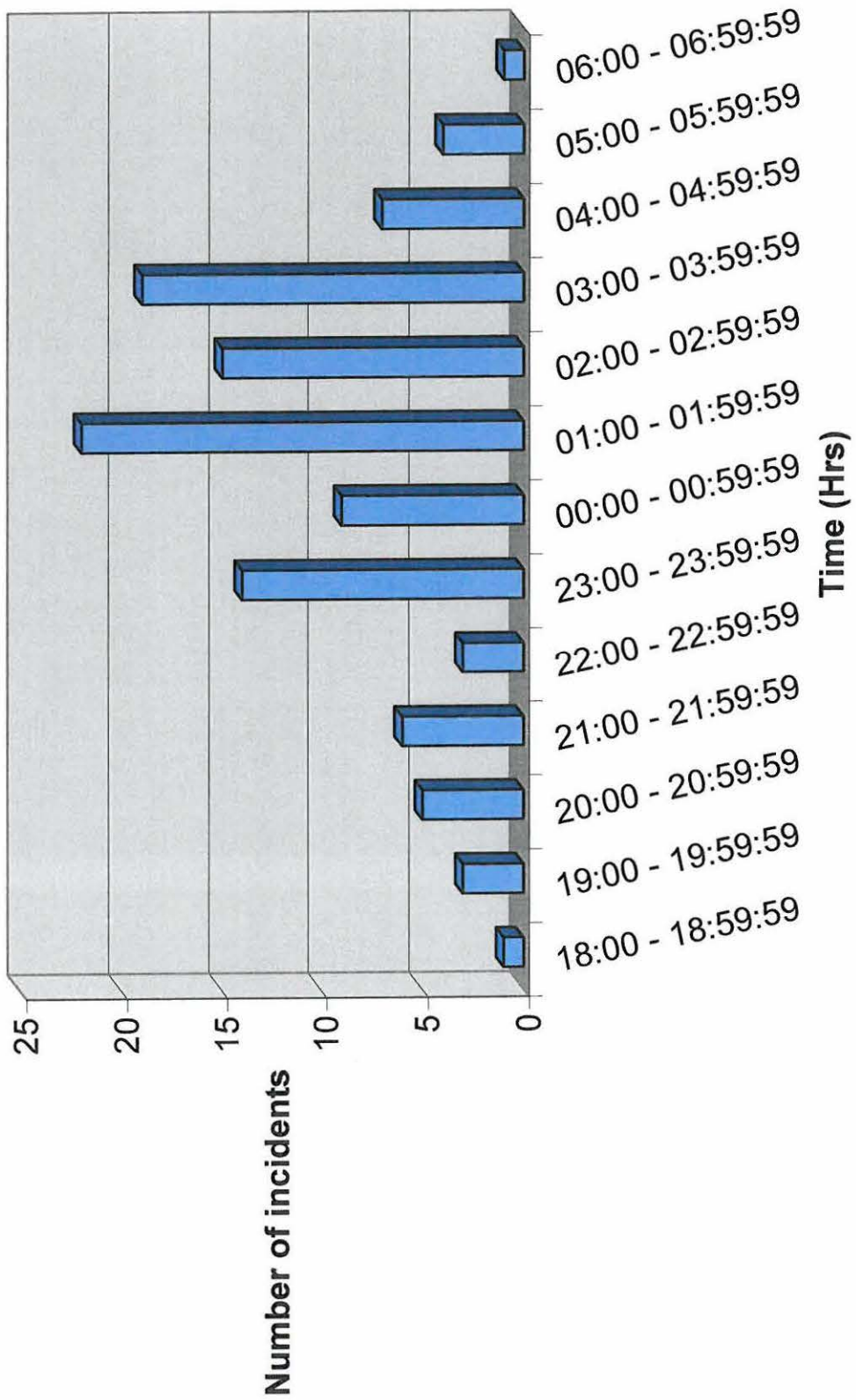
Date: _____

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7/7/14

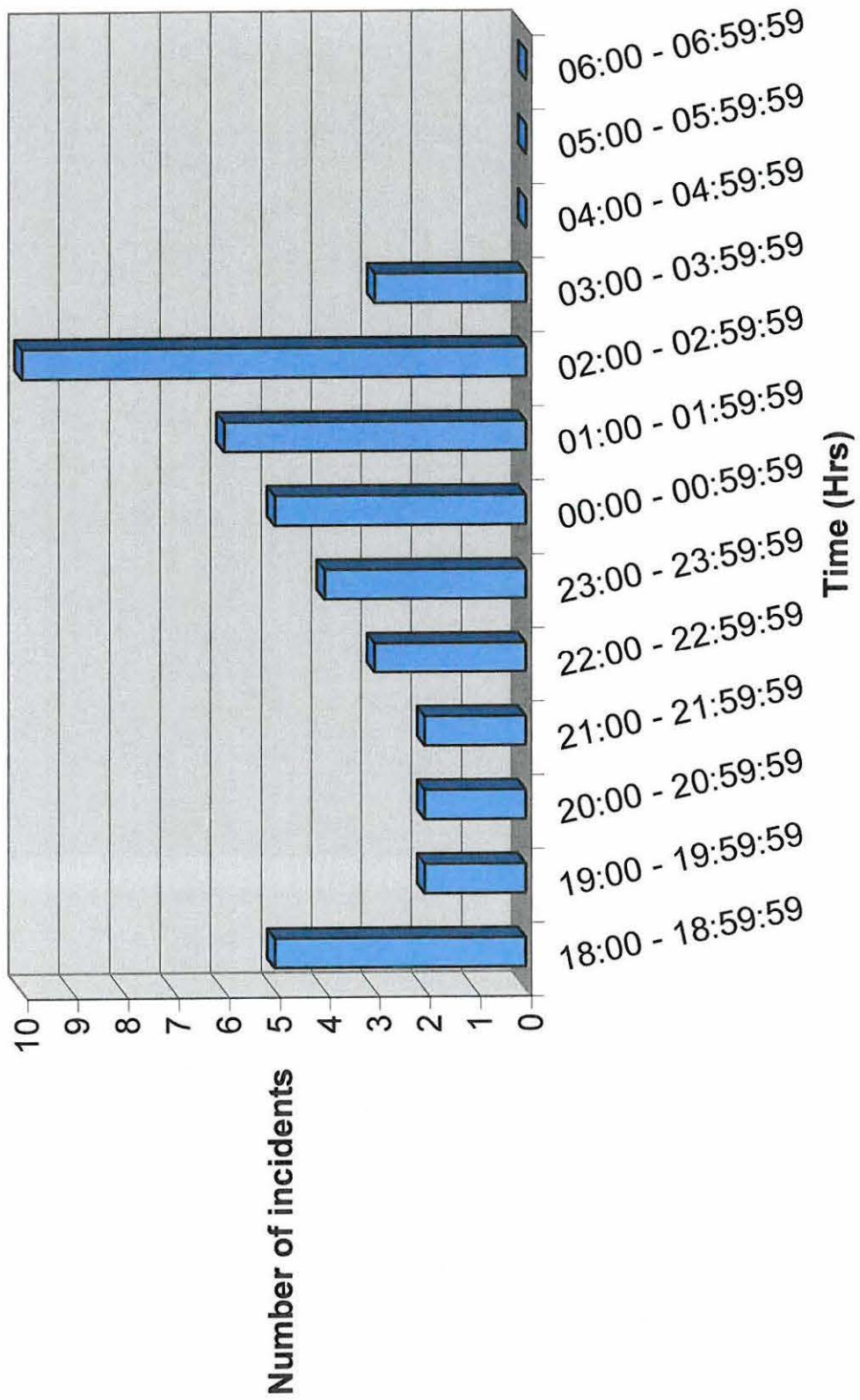
NOTES FOR GUIDANCE

1. The ground(s) for representation must be based on one of the licensing objectives.
2. Please list any additional information or details, for example dates of problems which are included in the grounds for representation if available.
3. The representation form must be signed.

London Road



Bedford Place





Research and Analysis

PIRI PIRI – LATE NIGHT REFRESHMENT LICENCE

Produced by:

Date produced: 26/06/2014

Produced for: PC NORRIS 21071

Last updated: 26/06/2014

BACKGROUND

Hampshire Police licensing have received an application for a late night refreshment licence for Piri Piri at 25 London Road, Southampton. The application is until 01:00hours on Sunday to Wednesday and to 05:00hours on Thursday, Friday and Saturday.

The Piri Piri premises is within the cumulative impact area in relation to Southampton's night time economy (NTE) which has been shown to fuel increased levels of violence and criminal damage offences throughout the year.

The City Centre (beat area SW01) and Polygon (beat area SW03), which is where the majority of the NTE is concentrated, record the highest numbers of assault offences in the city despite their comparatively small size. Piri Piri will be located in the SW03 Beat area.

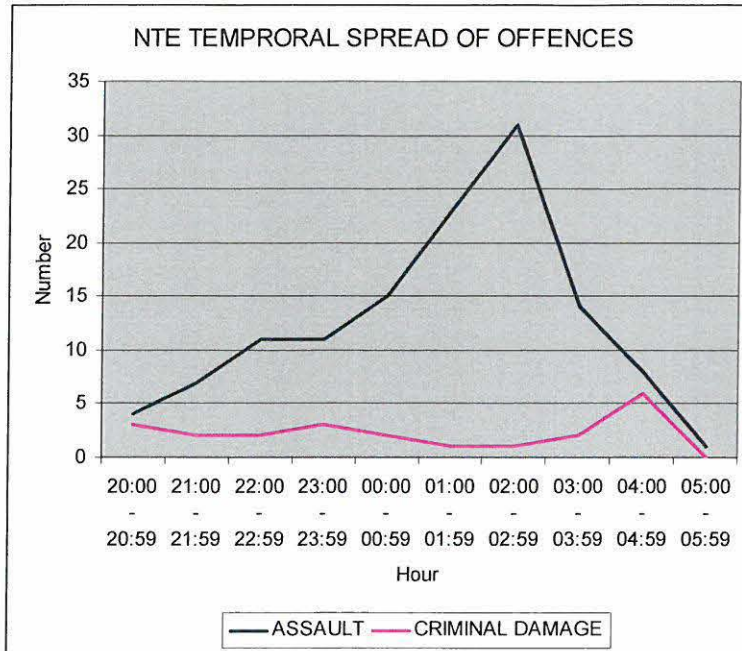
DATA REVIEW

For the period of 1 December 2013 to 31 May 2014 all assault and criminal damage offences that could have occurred between 19:00 and 07:00 in the Southampton West Sector (SW) have been reviewed to establish whether they are linked to the NTE in an effort to better understand the problem.

In total there were 470 occurrences (341 violent occurrences and 129 criminal damage occurrences) recorded in SW sector. Specifically the SW03 Beat area which encompasses Piri Piri accounted for 39% of the overall occurrences in the Sector; 181 occurrences (134 violent occurrences and 47 criminal damage offences) linked to the NTE.

TEMPORAL ANALYSIS

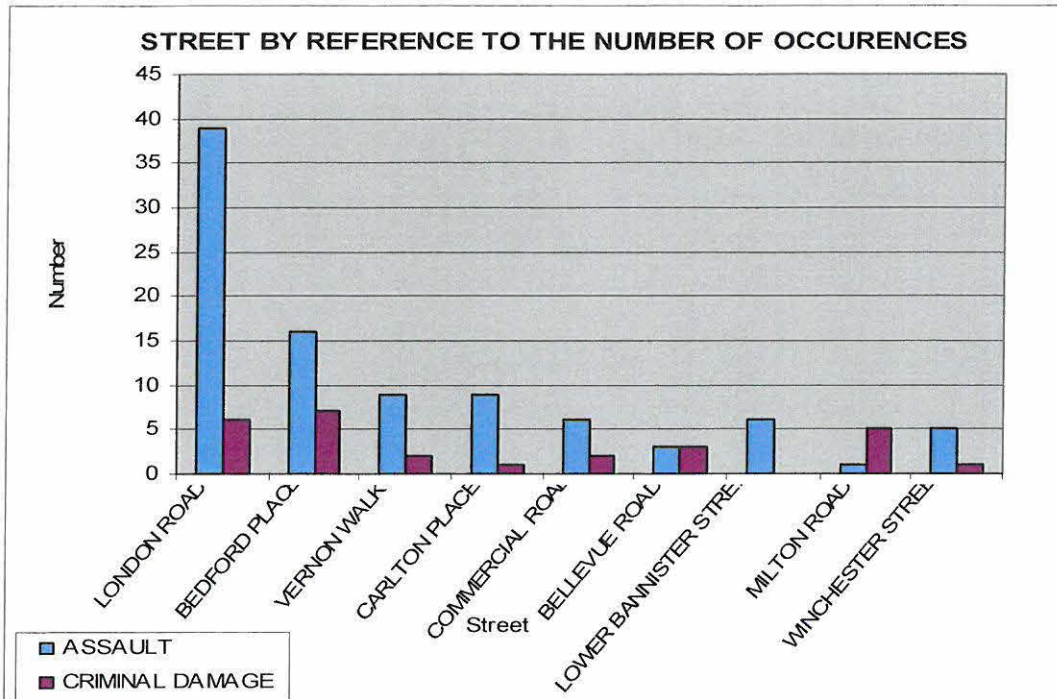
The graph below shows the most frequent times for the offences in the SW03 Beat area, based on the end time of the occurrences.



- The above graph shows a steady increase in NTE related violent occurrences from 23:00 until 02:59.
- After the peak time of 02:00 – 02:59 there a steady decrease in the levels of offending; a result of the closure of licensed premises and fast food outlets from 02:00.
- Criminal damage offences maintain a fairly constant level throughout the period as offences continue to occur within the city centre and in the surrounding residential areas as people leave the area.
- 62% (n.83) of all violent occurrences linked to the NTE take place between Friday and Sunday. Wednesday is the next highest day accounting for 16% (n.21) of the occurrences; this is linked to Tuesday night being the principal student night in the city.

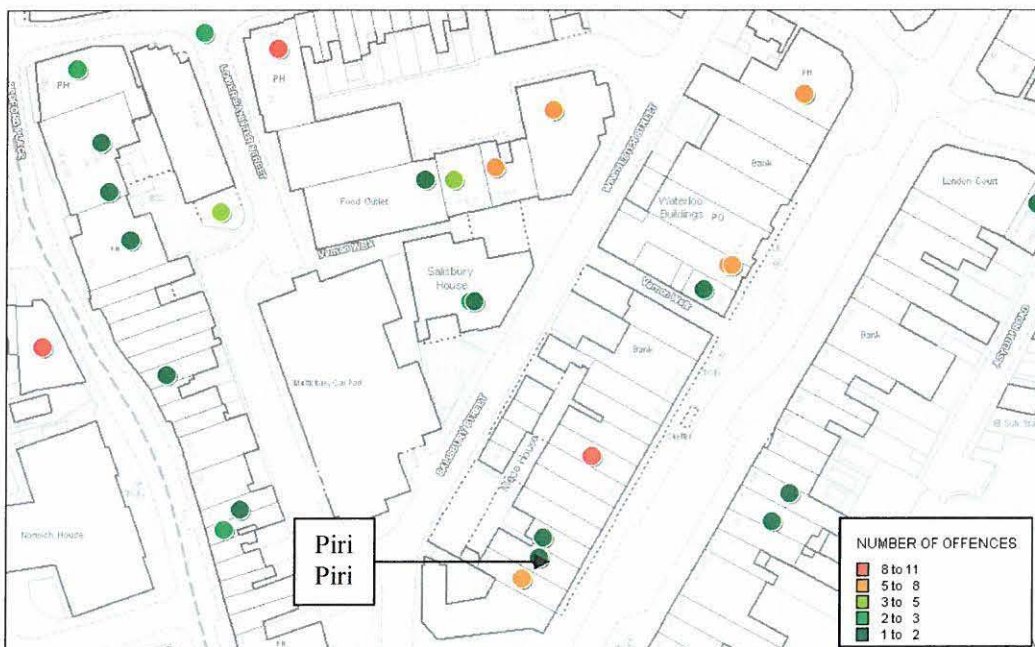
GEOGRAPHIC ANALYSIS

The graph below shows the geographic spread of the offences by reference to the streets in which the offences occurred within the SW03 Beat area.



- The above graph shows that London Road is the most common street for NTE related assaults and criminal damage across the SW03 Beat area.
- London Road has recorded 25% (n.45) of the occurrences linked to the NTE in the SW03 Beat area.

The map below shows the geographic spread of offences across the London Road and immediate surrounding areas, based on the number of occurrences reported from specific locations.



- The map shows that the principal offence locations are spread out along London Road. There were 2 particular hot spot locations being outside of 55 (Junk / Tripp) and 35 (Kellys) London Road.
- The reports along London Road primarily relate to individuals being in drink and fighting with each other upon leaving premises in London Road, rather than occurring in the premises themselves.

Conclusions:

- Piri Piri is situated in London Road which is the top reported street for assaults and 2nd highest street for criminal damage in the SW03 Beat area; London Road sees a disproportionate amount of crime and disorder in comparison to the rest of the neighbourhood in which it is located.
- Resources and funding are required to police this area every weekend and during key NTE events. Piri Piri is situated near to both “Kellys” and “Junk”, which are the two most problematic locations in terms of assaults and criminal damage in the London Road NTE.
- The proposed extended opening hours of Piri Piri would undoubtedly increase the number of people who either enter the area or who remain in the area after leaving night clubs; increasing the likelihood of further violent occurrences in this street which is already the highest street for violent occurrences in the area.
- This will have the potential effect of extending the peak time periods for assaults and criminal damage in the NTE area, thereby potentially stretching resources aimed at policing the area.

LICENSING (LICENSING AND GAMBLING) SUB – COMMITTEE
DECISION OF THE MEETING HELD ON 9th AUGUST 2012

FOOD STOP, 37 LONDON ROAD, SOUTHAMPTON, SO15 2AD

The Sub-Committee has considered very carefully the application to vary a premises licence at Food Stop. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy and in particular the Cumulative Impact Policy. The Sub-Committee considered representations, both written and given orally today by all parties and human rights legislation has been borne in mind whilst making the decision

Legal advice was accepted by the Sub-Committee in relation to the Cumulative Impact Policy. It was noted that the premises is located within the boundary of a previously identified stress area, and is subject to the provisions of the formally adopted Cumulative Impact Policy "CIP" (adopted 13 May 2009, confirmed upon review 17 November 2010) that applies to that area.

The Sub-Committee noted in particular that:-

- one effect of the CIP is that a *rebuttable presumption* applies to applications for premises licences.
- The *rebuttable presumption* is that such applications shall ordinarily be refused where they are likely to add to the existing cumulative impact.
- Licensing Policy CIP2 16.9 provides that the onus is upon applicants to demonstrate through their Operating Schedule and where appropriate supporting evidence, that the operation of the premises will not add to the cumulative impact already being experienced.

Having considered all of the above the Sub-Committee has decided to refuse the application for the extension of hours for late night refreshment.

REASONS

The Licensing Sub-Committee considered very carefully the location of the premises and in particular the fact that it is located within an area identified as suffering from issues of crime, disorder and public nuisance - designated as a stress area in accordance with the licensing policy. It has accepted that a rebuttable presumption does apply.

The Sub-Committee felt that granting the application would add to the crime and disorder issues in the London Road area and would not be met by the proposed operating schedule.

The Police evidence shows that the issue of violent offending is prevalent in that locality at the times the premises intend to trade. Whilst it is accepted there are other premises in the locality providing late night refreshment at those times, these existing premises are suffering issues and it is felt that additional premises in this area are likely to lead to an increase in those issues by way of providing an additional venue/service. In this respect the Sub-Committee has taken into consideration cumulative impact issues and has determined that the additional licensable activities proposed will likely lead to an unacceptable increase or concentration of crime and disorder.

The Sub-Committee wished to stress that the decision was not based on the qualities of the applicant, but rather the area and the problems therein.

There is a right of appeal for all parties to the Magistrates' Court and the formal notification of the decision will set out that right.

LICENSING (LICENSING AND GAMBLING) SUB - COMMITTEE
DECISION OF THE MEETING HELD ON 22nd SEPTEMBER 2011
TREATS, LONDON ROAD, S015 2AD

The Sub-Committee has considered very carefully the application to vary the premises licence at Treats. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy.

It notes that the premises licence holder and Hampshire Constabulary had reached agreement on relevant conditions. It was further noted that agreement had been reached with regard to the terminal hour for the sale of alcohol, being 23h00.

The remaining issue to be determined being the licensable activity of the provision of late night refreshment.

Legal advice was accepted by the Sub-Committee in relation to the Cumulative Impact Policy. It was noted that the premises is located within the boundary of a previously identified saturation area, however, the policy would not apply given the particular circumstances in this case i.e. the premises being an off-licence.

It has considered very carefully all the evidence submitted by both parties both written and given orally today.

Having considered all of the above, the Sub-Committee has decided to grant the variation insofar as the agreed hours relating to the sale of alcohol only.

Accordingly the application regarding the provision of late night refreshment is refused.

REASONS

The Sub-Committee accepts that the applicant is of good standing and had no previous incidents in operating his business. However, the Sub-Committee holds grave concerns with regards to the location of the premises and the issue of crime and disorder, in particular.

The Police evidence clearly shows that the issue of violent offending is prevalent in that locality at the times the premises intends to trade. Whilst it is accepted there are other premises in the locality providing late night refreshment at those times, this premises shall not be providing any area for seating with food being consumed on the street. Further, the existing premises are suffering issues and it is felt that additional premises in this area is likely to lead to an increase in those issues by way of providing an additional venue/service. In this respect the Sub-Committee has taken into consideration cumulative impact issues and has determined that the additional

licensable activities proposed will likely lead to an unacceptable increase or concentration of crime and disorder.

Despite the applicant's assertion that the premises will not be selling alcohol after 23h00 and therefore directly contributing to the crime and disorder issues experienced resulting from the consumption of alcohol, the Sub-Committee has paid careful attention and considered carefully the effect that the proposed licensable activities will in fact have on those already in the area and concluded that in despite the sale of alcohol ceasing at 23h00, the continued provision of late night refreshment would add to the problems of the area.

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There is a right of appeal for all parties against the decision to the Magistrates Court.

Formal notification of the decision shall be forwarded to all parties and will set out that right.

Human rights legislation has been borne in mind whilst making the decision.