
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 22 MARCH 2016

Present: Councillors McEwing, Painton and Tucker (Chair)

28. **ELECTION OF CHAIR**

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

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

RESOLVED that in accordance with the Council's Constitution, specifically the Access to Information Procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of any consideration of the following report.

This report contains information deemed to be exempt from general publication based on Categories 1 and 2 of paragraph 10.4 of the Council's Access to Information Procedure Rules due to the identification of individuals and sensitive details of any ongoing police investigation.

30. **CONSIDERATION OF INTERIM STEPS PENDING SUMMARY REVIEW OF PREMISES LICENCE - SHIELD AND DAGGER, STRATTON ROAD, SHIRLEY, SOUTHAMPTON SO15 5QZ**

The Sub-Committee considered interim steps pending summary review of premises licence – Shield and Dagger, Stratton Road, Shirley, Southampton SO15 5QZ.

PC Rackham and PC Cherry (Hampshire Constabulary) were present and with the consent of the Chair, addressed the meeting.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005 the Sub-Committee in confidential session determined to proceed with the hearing in the absence of the applicant.

RESOLVED that the application for a review of a premises licence under section 53a of the Licensing Act 2003 (premises associated with serious crime or disorder) and with additional conditions as agreed with Hampshire Constabulary.

The Sub-Committee has considered very carefully both the certificate of Superintendent Heydari, the application for summary review and what interim steps, if any should be taken pending the full hearing of the summary review of the premises licence for the Shield and Dagger, Stratton Road, Shirley, Southampton SO15 5QZ

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

The Sub-Committee has determined:

- 1 to remove Paul Anthony Cookson as designated premises supervisor, and
- 2 to impose the following conditions on the premises licence:
 - a. HOURS
 - i. All licensable activities shall cease at or before 23:00 hours on every day, and the premises shall close at or before 23:30 on each day.
 - b. CCTV
 - i. 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 will be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas.
 - ii. CCTV warning signs shall be fitted in all public places where the CCTV system is in operation.
 - iii. The CCTV system must be operating at all times whilst the premises are open. All equipment shall have a constant and accurate time and date generation.
 - iv. The recording system will be able to capture a minimum of four frames per second and all recorded footage must be securely retained for a minimum of twenty-eight days.
 - v. 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.
 - vi. The designated premises supervisor or premises manager must be able to demonstrate to any police or authorised officer that the CCTV system has measures to prevent recordings being tampered with, including password protection.
 - vii. 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 a disc. 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.
 - viii. In the event of technical failure of the CCTV equipment the premises licence holder or designated premises supervisor MUST report the failure to the Hampshire Police Licensing Unit within 24 hours.
 - c. INCIDENT BOOK
 - i. An incident book shall 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.
 - ii. Any incidents that include physical altercation or disorder, physical ejection, injury, ID document seizure or drug misuse shall 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 their 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. Each entry shall be timed, dated and signed by the author.

- iii. 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.
- iv. At the close of business on each day the incident book shall 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.

d. REFUSALS LOG

- i. A written log shall be kept of all refusals including refusals to sell alcohol. The premises licence holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the premises manager/manageress.
- ii. The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.
- iii. The record of refusals will be retained for 12 months.

e. CHALLENGE 25

- i. A "Challenge 25" policy shall be operated at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.
- ii. Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the person's date of birth.
- iii. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.
- iv. "Challenge 25 posters shall be displayed in prominent positions at the premises.

f. TRAINING

- i. All staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training.
- ii. All staff will receive refresher training in respect of the matter mentioned in (f)(i) above every six months, as a minimum, and records shall be kept of this refresher training which shall be signed and dated by the member of staff who received that training.
- iii. In addition to their training, a written test related to the training given will be conducted before the staff member is permitted to sell or authorise the sale of alcohol. The test will consist of a minimum of ten questions of which the pass rate is 80%. Anyone who fails to reach the prescribed pass rate will be retrained and re-tested. Anyone not attaining the pass rate will not be permitted to sell or authorise the sale of alcohol until the pass rate is attained. There will be a minimum of two sets of questions to be used in the training which will be rotated upon each subsequent six month training session.
- iv. All training records shall be made immediately available for inspection by Hampshire Constabulary and any responsible authority upon request. Training records shall be kept for a minimum period of two years. Training records shall be kept on the licensed premises to which they relate.

g. SIA DOOR SUPERVISORS

- i. On every Friday, Saturday and New Year's Eve there shall be a minimum of two SIA registered door supervisors at the premises from 21:00 hours until the premises have closed. On all other occasions when the premises are open for licensable activities there shall be a risk assessment conducted as to whether it is necessary to employ SIA door supervisors on that occasion.

- 3 to suspend the premises licence for the Shield and Dagger until the hearing of the summary review of the premises licence or until the Licensing Authority and Hampshire Constabulary have confirmed in writing that they are satisfied that the conditions set out above are fully implemented, whichever is the sooner.

under section 53B of the Licensing Act 2003, pending consideration of the summary review of the premises licence at a later date.

Reasons:

The Sub-Committee has considered very carefully the certificate of Superintendent Heydari and all the evidence submitted by the Police, written, by video recording and given orally today.

The Sub-Committee has considered all the options set out in section 53B of the Licensing Act 2003:

- modification of the current conditions of the premises licence
- exclusion of the sale of alcohol from the current permissions of the premises licence
- removal of the designated premises supervisor from the licence

- suspension of the licence.

The Sub-Committee considers that the serious disorder and criminal offences at the premises in the presence of the premises licence holder and the lack of control of the premises by both the premises licence holder and the designated premises supervisor make it necessary for the promotion of the licensing objectives to remove the designated premises supervisor from the licence, to suspend the premises licence with immediate effect and to impose conditions on the premises licence as set out above.

The Sub-Committee's strong view is that any lesser action that could be taken would not be sufficient to ensure the promotion of the licensing objectives.

There is a right under section 53B (6) of the Licensing Act 2003 for the premises licence holders to make representations against the interim steps to the Sub-Committee. There is no right of appeal for any party at this stage to the Magistrates' Court. All parties will receive written notification of the decision with reasons and that notification will set out the right of to make representations in full.

SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 29 MARCH 2016

Present: Councillors Galton, Painton and Parnell

31. **ELECTION OF CHAIR**

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

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

RESOLVED that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 the press and public be excluded from the meeting in respect of any consideration of the following report.

It was noted that the report contains information ordinarily deemed to be exempt from general publication based on Categories 1 and 2 of paragraph 10.4 of the Council's Access to Information Procedure Rules due to the identification of individuals and sensitive details of any ongoing police investigation.

33. **CONSIDERATION OF REPRESENTATIONS TO INTERIM STEPS PENDING SUMMARY REVIEW OF PREMISES LICENCE - SHIELD AND DAGGER, STRATTON ROAD, SHIRLEY, SOUTHAMPTON SO15 5QZ**

The Sub-Committee considered representations to interim steps pending summary review of a premises licence, namely the Shield and Dagger, Stratton Road, Shirley, Southampton SO15 5QZ.

Jon Wallsgrove (Blake Morgan Solicitors), PC Boucouvalas and PC Cherry (Hampshire Constabulary) were present and with the consent of the Chair, addressed the meeting.

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

RESOLVED that steps be implemented pending the final summary review hearing including the amendment of conditions and requirements already imposed.

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

The Sub-Committee determined that the hearing should proceed with the press and public excluded.

The Sub-Committee has considered very carefully the certificate of Superintendent Heydari, the application for summary review and the interim steps imposed at the previous Hearing. In addition, the representations by the Premises Licence Holder leading to this hearing were also fully taken into consideration.

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

The parties presented an agreement reached between them with regard to the amendment of a requirement imposed on the previous occasion, namely the removal of the designated premises supervisor. The parties confirmed to the Sub-Committee that the requirement, it was agreed, ought to be replaced by a condition enabling the Designated Premises Supervisor (DPS) to remain in place, subject to requiring his presence at the premises on a Thursday, Friday and Saturday from 20:00 hours until the premises are closed.

On the basis of this submission the Sub-Committee determined not to hear further evidence from the parties (as suggested) and proceeded to ask questions.

Having considered all of the above the Sub-Committee has determined to replace the requirement imposed on the 22 March 2016 removing the DPS with the following condition:

1 The Designated Premises Supervisor (DPS) shall be present at the premises and on duty on Thursday, Friday and Saturday evenings from 20:00 hours until the premises has closed and all customers and staff have left the premises and dispersed from the immediate vicinity. The DPS shall not consume alcohol nor be under the influence of alcohol whilst on duty at the premises in accordance with this condition.

Reasons:

The Sub-Committee heard from the parties that agreement had been reached and noted that in accordance with the statutory guidance, the police are to be considered experts and lead responsible authority in the area of the prevention of crime and disorder. The Sub-Committee was reassured that conditions previously imposed shall remain and that the Premises Licence remains suspended until the Licensing Authority and Hampshire Constabulary have confirmed in writing that they are satisfied that the conditions are fully implemented or until the Hearing of the Summary Review.

In addition to the wording agreed between the parties, the Sub-Committee has decided that it is both appropriate and necessary that the condition attached makes it very clear that the DPS has to be fully alert and able to take proper and prompt action in the event of further issues arising. If either party has any representation about the wording of this condition, that should be raised now and the Sub-Committee shall reconsider the wording if necessary.

The Sub-Committee has considered all the options set out in section 53B of the Licensing Act 2003:

- modification of the current conditions of the premises licence
- exclusion of the sale of alcohol from the current permissions of the premises licence
- removal of the designated premises supervisor from the licence
- suspension of the licence.

However, in light of the agreement reached between the parties, it felt that the amendment set out above was both proportionate and appropriate in order to promote the licensing objectives.

There is no right of appeal for any party at this stage to the Magistrates' Court. All parties will receive written notification of the decision with reasons.

SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 30 MARCH 2016

Present: Councillors Furnell, Parnell and Tucker

34. **ELECTION OF CHAIR**

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

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

RESOLVED: that the Minutes of the meeting held on 2nd March 2016 be approved and signed as a correct record.

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

RESOLVED that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the parties to the hearing, press and public be excluded at a predetermined point whilst the Sub-Committee reaches its decision.

37. **APPLICATION FOR A PREMISES LICENCE - CHUNKY CHIPS, 105 ST MARY'S ROAD SO14 0AN**

The Sub-Committee considered an application for a premises licence in respect of Chunky Chips, 105 St Mary's Road SO14 0AN.

Ali Mohammed (Applicant) and Sunday Oshikoya (Agent) were present and with the consent of the Chair, addressed the meeting.

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

RESOLVED that the application for a premises licence be granted.

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

All parties will receive formal written confirmation of the decision and reasons.

The Sub-Committee has considered very carefully the application for a premises licence at Chunky Chips, 105 St Marys Road, SO14 0AN. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy.

The Sub-Committee considered representations, both written and given orally today, by all parties. Human rights legislation has been borne in mind whilst making the decision.

The Sub-Committee noted that the residential objectors were not in attendance and determined that the hearing should continue in their absence.

The written representations were carefully considered and taken into account and it was noted that this raised potential issues in relation to public nuisance.

It was noted that the Police had agreed conditions and were accordingly happy with the application and that no representation had been received from Environmental Health in relation to any potential for noise nuisance or associated disorder at the premises.

The Sub-Committee has determined that the application should be granted subject to conditions agreed with the police.

Reasons

The Sub-Committee noted that no representation had been received from any of the responsible authorities. The Police had agreed extensive conditions to be added to the operating schedule and in turn the premises licence, if granted. Those additional conditions related to: CCTV, Incident Book, SIA Door Staff/ Risk Assessment, Dispersal Policy and Litter.

Whilst the Committee considered the residents' objections there was no evidence before the Committee that the issues raised amounted to any more than speculation that the opening hours would lead to increased levels of nuisance, particularly in consideration of the opening hours of other premises already trading nearby. As a result the Sub-Committee were satisfied that it was appropriate to grant the licence based on the evidence.

However, local residents can be reassured that in the event that the grant of the licence does in fact lead to issues of concern, relevant to the licensing objectives, a review may be initiated where evidence of the same can be considered and may result in appropriate steps being taken to address them at that stage.

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