

Reference: 2010/02495/01SPRD

Hearing:

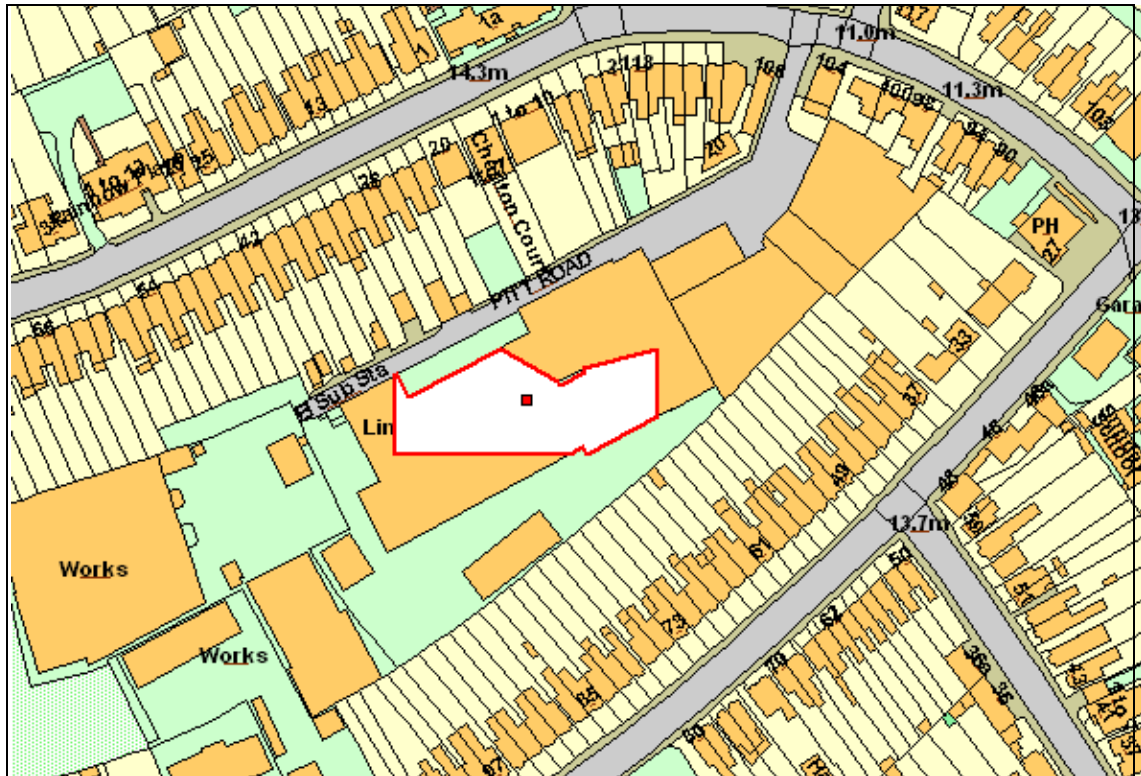
27<sup>th</sup> January 2011

**Variation Application for Premises Licence - DPS Variation**

Premises Name: Night Refreshments  
 Premises Address: Unit K5  
 Liners Industrial Estate  
 Pitt Road  
 Southampton  
 SO15 3FQ

Application Date: 21st December 2010  
 Application Received Date: 21st December 2010

Application Valid Date: 21st December 2010



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***Representations From Responsible Authorities***

Responsible Authority	Satisfactory?	Comments
Hampshire Constabulary - Licensing	No	

## ***Legal Implications***

1. Where the Police give notice (stating that the Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective and stating their reasons) the authority must –
  - (a) hold a hearing to consider it, unless the authority, the applicant and the Chief Officer of Police who gave the notice agree that a hearing is unnecessary, and
  - (b) having regard to the notice, reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.
2. The decision making panel, in considering an application, must have regard to the notice, adopted Statement of Licensing Policy and any relevant representations of the applicant.
3. An applicant, whose application has been rejected, may appeal against the decision to the Magistrates' Court. Likewise the Chief Officer of Police may appeal against a decision to grant the application.
4. Where an application is granted or rejected, the relevant licensing authority must give a notice to that effect to –
  - (a) the applicant,
  - (b) the proposed individual and
  - (c) the Chief Officer of Police for the police area (or each police area) in which the premises are situated.

The notice must state the authority's reasons for granting or rejecting the application. Where the application is granted, the notice must specify the time when the variation takes effect.
5. In considering this application the panel will sit in a quasi-judicial capacity and is thus obliged to consider applications in accordance with both the Licensing Act 2003 (Hearings) Regulations 2005, and amending secondary legislation and the rules of natural justice. The practical effect of this is that the panel must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

The panel must also have regard to:-

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

## Southampton City Council

Application to vary a premises licence to specify an individual as designated premises supervisor 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 AHMAD JAVED KHUSHIDIL

(full name(s) of premises licence holder)

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

Premises licence number

2010/01877/01SPRN

#### Part 1 – Premises details

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

NIGHT REFRESHMENTS  
UNIT 5 K, LINERS INDUSTRIAL ESTATE  
PITT ROAD, SOUTHAMPTON

Post town

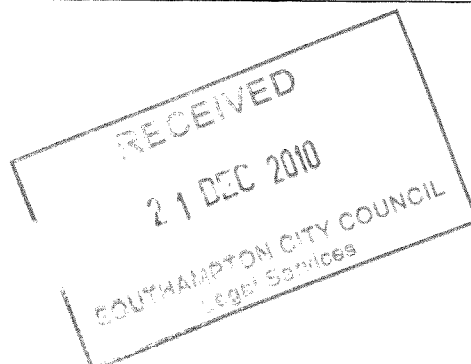
Post code (if known)

SO15 3FQ

Telephone number (if any)

Description of premises (please read guidance note 1)

late night drinks delivery



23-08  
5  
26-08  
30-08

Part 2

Full name of proposed designated premises supervisor

Oqy2han Sunay

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

2008/00476/06EPEN

Full name of existing designated premises supervisor (if any)

Srabjit Kaur Mandar

Please tick yes

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

I have enclosed the premises licence or relevant part of it

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

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

N/A

Please tick yes

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

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

**Part 3 – Signatures** (please read guidance note 2)

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

Signature

.....

Date

..... 21/12/10 .....

Capacity

..... Licence Holder .....

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

Signature

.....

Date

.....

Capacity

.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>	

**Guidance notes**

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.



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

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

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

<input type="checkbox"/> 1: Grant for a personal licence	(Object within 14 days)
<input type="checkbox"/> 2: Grant for a temporary event notice (TEN)	(Object within 48 Hours)
<input type="checkbox"/> 3: Transfer of a premises licence	(Object within 14 days)
<input checked="" type="checkbox"/> 4: Variation of designated premises supervisor	(Object within 14 days)
<input type="checkbox"/> 5: Grant/Variation of a premises licence/club prem' certificate	(Object within 28 days)

Name of Applicant:	Ahmed KHUSHDIL
Name of Proposed DPS:	Oghuzan SUNAY

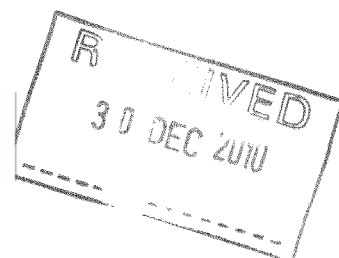
Details of relevant conviction ( Personal Licence Applications ONLY)

Postal address of premises:	Night Refreshments Unit K5, Liners Industrial Estate Pitt Road, Southampton
Postcode:	SO15 3FQ

**Details of responsible authority applicant**

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:	PC
Surname: HARRIS	First Names: JON
Current postal address :	Southampton Police Station Havelock Road Southampton
Postcode:	SO14 7LG
Daytime telephone number:	
E-mail address: (optional)	

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





**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
- 2) Public safety
- 3) The prevention of public nuisance
- 4) The protection of children from harm

*Please select  
one or more  
boxes*

Please state the ground(s) for representation:

The proposed DPS received a police adult caution in 2009 for 2 assaults and possession of an offensive weapon. The police believe that the circumstances that lead to the proposed DPS receiving these cautions undermine the licensing objectives with regards to the prevention of crime and disorder and public safety.

**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)

Application is refused.

Signature of Officer Completing

Name Jon Harris

Signature: \_\_\_\_\_

Collar Number: 24288

Date: 30/12/2010

Signature of Authorising Officer

Name \_\_\_\_\_

Signature: \_\_\_\_\_

Collar Number: \_\_\_\_\_

Date: \_\_\_\_\_