
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 27 JANUARY 2011

Present: Councillors Drake, Parnell and Thomas

57. **ELECTION OF CHAIR**

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

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

RESOLVED that the Minutes of the meetings held on 16th December 2010 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

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

RESOLVED that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the press and public be excluded at a pre-determined point whilst the Sub-Committee reach its decisions.

60. **APPLICATION TO VARY A PREMISES LICENCE - POP BAR, 3-4 VERNON WALK, SO15 2EJ**

The Sub-Committee considered the report of the Solicitor to the Council detailing an application to vary the premises licence in respect of Pop Bar, 3-4 Vernon Walk, SO15 2EJ. (Copy of report circulated with agenda and appended to signed minutes).

Mr Bennetton (Licence Holder) and Ms Sheppard (Premises Supervisor) and PC Prior, PC Channell and Ms Cleaton (Hants 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 Licensing Act 2003 (Hearings) Regulations 2005.

The Sub-Committee noted the amendment to the application made by the applicant reducing opening hours and proposing additional conditions as agreed with Hampshire Constabulary and Environmental Health prior to the hearing.

RESOLVED

- (i) that the application for a premises licence in respect of Pop Bar, 3-4 Vernon Walk, SO15 2EJ be granted as amended as follows:-

- (a) Section A – Plays, Section B – Films, Section F –Recorded Music, Section G – Performance of Dance, Section H – Anything similar to live music, recorded music or performances of dance , Section I – Facilities for making music, Section J - Facilities for dancing, Section K - Similar to facilities for music and dance Amended to:-
 Monday to Thursday 09:00 – 02:00,
 Friday and Saturday 09:00 – 03:00,
 Sunday 09:00 – 00:30
 - (b) Section E – Live Music – Monday to Sunday 09:00 – 23:00
 - (c) Section L – Late Night Refreshment – Amended to:-
 Monday to Thursday 23:00 – 02:30;
 Friday and Saturday 23:00 – 03:30;
 Sunday 23:00 – 01:00;
 - (d) Section M – Supply by retail of alcohol - Amended to:-
 Monday to Thursday 09:00 – 02:00;
 Friday and Saturday 09:00 – 03:00;
 Sunday 09:00 – 00:30;
 - (e) Section O – Hours Premises are open to the public – Amended to:-
 Monday to Thursday 09:00 – 02:30;
 Friday and Saturday 09:00 – 03:30;
 Sunday 09:00 – 01:00; and
- (ii) that the following conditions numbered 1 to 7 as agreed between the Applicant, Hampshire Constabulary and Environmental Health be added to the Operating Schedule / included in the licence:-
1. The licence holder must ensure that all doors and windows are closed during any regulated entertainment involving live and recorded music except for access and egress
 2. Notices asking customers to respect local residents and to leave the premises quietly will be displayed prominently within the premises
 3. 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 should be able to cope with strobe lighting and all levels of illumination throughout the premises as well as outside areas;
 - (ii) The CCTV system must be operating at all times whilst the premises are open for licensable activity;
 - (iii) All equipment shall have a constant and accurate time and date generation;
 - (iv) There shall be sufficient members of trained staff available during operating hours to be able to provide viewable copies at the request of the Police or authorised officer. Any images recovered must be in a format that can be readily taken away and viewed on any computer operating on any windows based program acceptable to the Police, or DVD player. This will be without the requirement for additional software to be installed;

- (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) CCTV warning signs to be fitted in public places;
 - (vii) Recordings to be kept for a minimum of 28 days;
 - (viii) The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i.e. password protected
 - (ix) All systems, signage, hardware and procedures are to be installed and implemented to the reasonable satisfaction of Hampshire Constabulary and approved in writing;
4. An incident book will be provided and maintained at the premises and there will be a daily debrief of door staff at the close of business to the reasonable satisfaction of Hampshire Constabulary. The incident book will remain on the premises at all times and will be available to police upon request;
 5. On nights when the venue is open past 02:00 door supervisors shall be on duty until 20 minutes after the venue has shut to help prevent disorder and assist with quietly dispersing customers. The dispersal policy will be agreed in advance with the Hampshire Constabulary;
 6. The premise will be a member of the local licence link scheme to the reasonable satisfaction of Hampshire Constabulary;
 7. Last entry to the premise will be at 01:00 on nights when the venue is open past 01:00 hours;
 8. All drinks shall be decanted if necessary but in all cases served in polycarbonate vessels (or other type if agreed in writing with the Police) after midnight, seven days per week; and

- (iii) that the following additional condition be implemented regarding alterations to the layout of the premises, namely the addition of a connecting door to "Orange Rooms" (the premises next door), by addition to the Operating Schedule / inclusion on the licence:-

‘On any occasion that the connecting door between Orange Rooms and Pop bar is being utilised for moving customers between the premises, there will be an SIA Door Supervisor on duty at the door to monitor numbers in both premises.’

RECOMMENDATION

The Sub-Committee recommended that the applicant explore and implement plans to sell food until the opening hours permitted allow.

REASONS FOR DECISION

The Sub-Committee considered the application to vary the existing premises licence at Pop Bar in detail. It gave 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.

It noted that the applicant had, following negotiation, amended the application and proposed reduced hours and additional conditions.

The Sub-Committee had very carefully considered all the evidence, both written and oral, and in light of such decided that the application should be granted in the terms sought (as amended) and subject to an amendment to the condition regarding glasses and bottles requiring that all drinks be decanted if necessary, but in all cases served in polycarbonate vessels (or other type if agreed in writing with the Police) after midnight, seven days a week.

The Sub-Committee, under the terms of the Cumulative Impact Policy, had also given very careful consideration to whether the additional half an hour would on the balance of probabilities, lead to an increase to the factors causing the stress already identified; further, whether the applicant had done sufficient to show the same. Whilst it accepted that the Policy states that the quality of management and associated factors ought not to be taken into consideration, it felt that in this instance sufficient evidence had been presented to allow and warrant a departure from that policy. The Sub-Committee did not feel an additional half an hour, given the nature of the conditions presented, the exceptional management practices proposed and the clientele the premises intends to cater for, would lead to an increase in the disorder issues.

61. **APPLICATION FOR A REVIEW OF A PREMISES LICENCE - R&J BEERS AND WINE, 300 SHIRLEY ROAD, FREEMANTLE, SO15 3HL**

The Sub-Committee considered the report of the Solicitor to the Council detailing an application from Hampshire Constabulary to review a premises licence in respect of R&J Beers and Wine, 300 Shirley Road, Freemantle, SO15 3HL. (Copy of report circulated with agenda and appended to signed minutes).

Mr Rathor (Licence Holder) was present and, with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with Licensing Act 2003 (Hearings) Regulations 2005.

RESOLVED that the licence allowing the sale of alcohol at the premises be revoked.

REASON FOR DECISION

The Sub-Committee carefully considered the application for review of the premises licence at R&J Beers and Wine and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted Statement of Licensing

Policy, the Sub-Committee. It fully considered all representations made by all the parties both written and oral.

Whilst the Sub-Committee noted that Trading Standards had requested a suspension of the licence with conditions, the Sub-Committee was not satisfied that a suspension with conditions would satisfactorily address the Licensing Objectives. The Sub-Committee were of the view that the risk to public safety of selling counterfeit alcohol when combined with the evasion of payment of Duty was so serious that it decided to revoke the licence. It further considered the evidence relating to under-ages sales of alcohol which also contributed to the decision.

The Sub-Committee heard evidence that the Premise Licence Holder did not intend to continue to trade at the premises but accepted legal advice that this not be taken into account when reaching its decision.

62. **APPLICATION FOR A PREMISES LICENCE - LIQUID, 69 BEDFORD PLACE, SO15 2DS**

The Sub-Committee considered the report of the Solicitor to the Council detailing an application for a premises licence in respect of Liquid, 69 Bedford Place, SO15 2DS. (Copy of report circulated with agenda and appended to signed minutes).

Mr Ranjit Singh and Mr Rajinderpal Singh (Applicants) were present and, with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with Licensing Act 2003 (Hearings) Regulations 2005.

RESOLVED that the application for a premises licence in respect of Liquid, 69 Bedford Place, SO15 2DS be refused.

REASON FOR DECISION

The Sub-Committee carefully considered the application for a premises licence at Liquid, 69 Bedford Place. It gave due regard to all representations made, both written and oral, the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted Statement of Licensing Policy and the Cumulative Impact Policy.

The Sub-Committee took into account that the applicant had negotiated with the Police, agreed conditions and that no responsible authority had made representations.

In light of all the evidence, the Sub-Committee decided to refuse the application.

The Sub-Committee did not take into consideration those parts of representations that related to commercial need or the identity of the area (in business terms) and restricted its consideration to the licensing objectives only. It was satisfied that an over saturation within the area was leading to the issues identified and had lead to the implementation of the Cumulative Impact Policy. An additional premise in this area in particular, was likely to lead to an increase in, or addition to, these problems.

The Sub-Committee stated the decision was in no way a reflection upon the professionalism or quality of the application.

63. **VARIATION APPLICATION FOR PREMISES LICENCE - DPS VARIATION - NIGHT REFRESHMENT, UNIT K5, LINERS INDUSTRIAL ESTATE, PITT ROAD, SO15 3FQ**

The Sub-Committee considered the report of the Solicitor to the Council detailing an application to vary a premises licence to specify an individual as designated premises supervisor in respect of Night Refreshment - Unit K5, Liners Industrial Estate, Pitt Road, SO15 3FQ. (Copy of report circulated with agenda and appended to signed minutes).

The Sub-Committee noted that whilst a representative from Hampshire Constabulary was in attendance, the applicant was not present to address the meeting.

RESOLVED that the hearing be adjourned to the 10th February 2011 to allow the applicant the opportunity to address the meeting.

REASON FOR DECISION

The Sub-Committee considered that in the interests of natural justice, the applicant should be given the opportunity to address the meeting and therefore decided that the hearing be adjourned.