

Reference: 2011/01769/01SPRD

Hearing:

11<sup>th</sup> August 2011

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

Premises Name: Spar  
Premises Address: 114 East Street  
Southampton  
SO14 3HD

Application Date: 5th July 2011  
Application Received Date: 11th July 2011

Application Valid Date: 11th July 2011



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***Representations From Responsible Authorities***

Responsible Authority	Satisfactory?	Comments
Hampshire Constabulary - Licensing	No	

## ***Legal Implications***

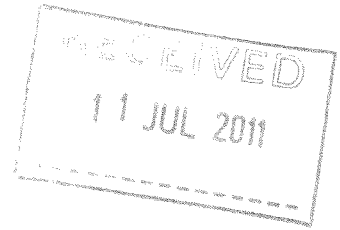
1. Where the Police give notice (stating that the Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective and stating their reasons) the authority must –
  - (a) hold a hearing to consider 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.

Insert name and address  
of relevant licensing  
authority and its  
reference number  
(optional)



## 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/XX~~ Meten Kishore Lakhani  
(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**

2005/00115/01/SPRC

### Part 1 - Premises Details

<b>Postal address of premises or, if none, Ordnance Survey map reference or description</b> 114 East Street	
<b>Post town</b> Southampton	<b>Post code</b> SO14 3HD
<b>Telephone number (if any)</b>	

**Description of premises** (please read guidance note 1)  
Convenience Store

## Part 2

**Full name of proposed designated premises supervisor**

Meten Kishore Lakhani

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

2005/00869/02SPEC

**Full name of existing designated premises supervisor (if any)**

Richard Inglis  
Parkview Retail Ltd

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

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 the 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 5/7/11 .....

Capacity Solicitor .....

For joint applications signature of 2<sup>nd</sup> applicant or 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 address for correspondence associated with this application</b> (please read guidance note 5) Paris Smith LLP 1 London Road Southampton Hampshire	
<b>Post town</b>	<b>Post code</b> SO15 2AE
<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.

### Consent of individual to being specified as premises supervisor

*(full name of prospective premises supervisor)*

I, Meten Kishore Lakhani

*(home address of prospective premises supervisor)*

of

*(of application)*

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for a Transfer

*(name of applicant)*

by

*(number of existing licence, if any)*

relating to a premises licence 2005/00115/01/SPRC

*(name and address of premises to which the application relates)*

for 114 East Street,  
Southampton  
SO14 3HD

*(name of applicant)*

and any premises licence to be granted or varied in respect of this application made by

*(name and address of premises to which application relates)*

concerning the supply of alcohol at  
114 East Street  
Southampton  
SO14 3HD

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

*(insert personal licence number, if any)*

Personal licence number 2005/00869/02SPEC

*(insert name and address and telephone number of personal licence issuing authority, if any)*

Personal licence issuing authority Southampton City Council

Signed

Name MR METEN KISHORE LAKHANI  
(please print)

Dated \_\_\_\_\_



**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 2 days)
<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:	Meten Kishore Lakhani
Name of Proposed DPS:	Meten Kishore Lakhani

Details of relevant conviction ( Personal Licence Applications ONLY)
n/a

Postal address of premises:	114 East Street Southampton
Postcode:	SO14 3HD

**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: PRIOR	First Names: Natasha
Current postal address :	Southampton Central Police Station Southern Road Southampton
Postcode:	SO15 1AN
Daytime telephone number:	023 8067 4768
E-mail address: (optional)	southampton.licensing@hampshire.pnn.police.uk

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





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 [X]
2) Public safety [X]
3) The prevention of public nuisance [X]
4) The protection of children from harm [X]
Please select one or more boxes

Please state the ground(s) for representation:

The police are concerned that the DPS making the application, Meten Lakhani, is currently the DPS at Clovelly Post Office 110 St Mary's Road and St Mary's Food and Wine 101 St Mary's Road. The concern is that whilst he sets up and runs this new business in East Street he will not have the current level of involvement in his others stores or he will neglect his responsibilities at East Street in favour of the stores he currently runs. The DPS was visited at Clovelly Post Office in June 2011 due to some information received about young drunk females being served which the DPS denied. The CCTV was requested to be viewed and this was not working and had not been for a couple of months. The refusals book was also requested and a book last used on the 23/12/10 was produced and the DPS stated that there was a newer book but he was not sure where it was at the present time. The DPS was advised accordingly with regards to the refusals book and CCTV and how they protect him and his staff from allegations such as the one received. This information and not being able to investigate it fully raises concerns under the protection of children from harm, the prevention of public nuisance and public safety. The CCTV being broken causes concerns under crime and disorder. This clearly shows that the DPS is struggling to maintain standards and support licensing objectives at the two premises he currently runs. Maintaining the refusals book and CCTV along with training records for staff is an important part of being a DPS and the police believe that managing three premises would result in further examples of poor management at one or all three premises.

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)

That another personal licence holder be named as DPS at this or one of the other premises

Signature of Officer Completing





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

Name Natasha Prior Collar Number: 20920  
Signature: \_\_\_\_\_ Date: 20/07/2011

Signature of Authorising Officer

Name INSPECTOR Dave Aspinwall Collar Number: 3427  
Signature: \_\_\_\_\_ Date: 22/7/11