

Reference: 2011/01859/01SPRV

Hearing:

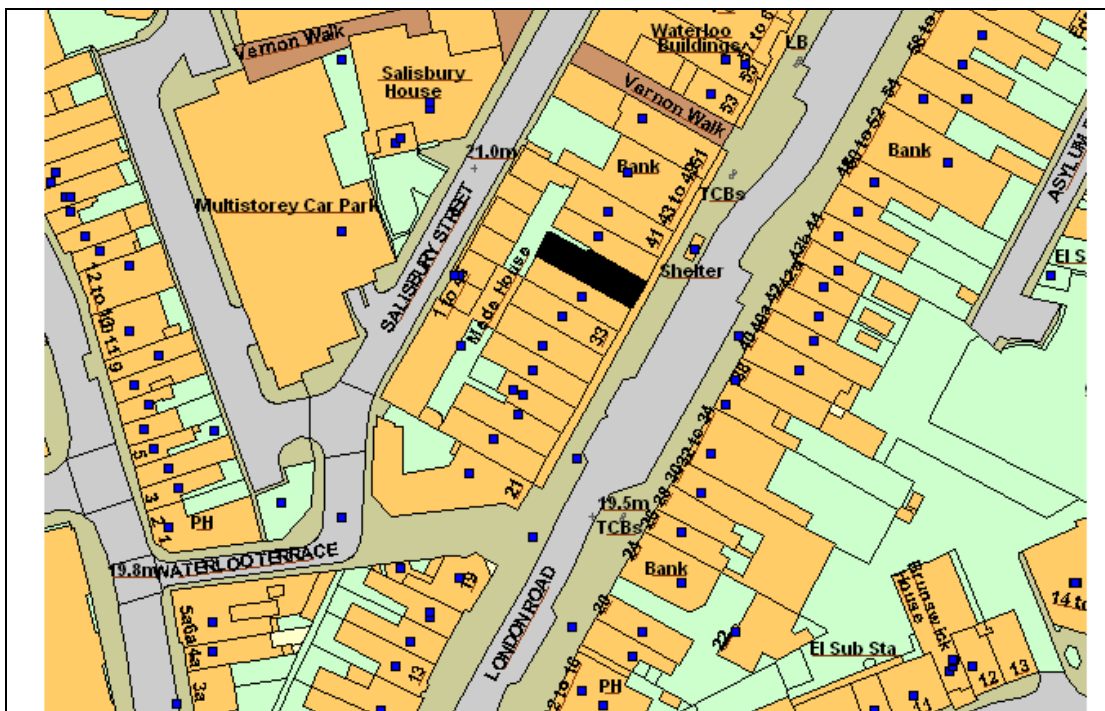
22nd September 2011

**APPLICATION TO VARY A PREMISES LICENCE**

Premises Name: Treats  
 Premises Address: 37 London Road  
 Southampton  
 SO15 2AD

Application Date: 25th July 2011  
 Application Received Date: 28th July 2011

Application Valid Date: 28th July 2011



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## ***Representations From Responsible Authorities***

<b>Responsible Authority</b>	<b>Satisfactory?</b>	<b>Comments</b>
Child Protection Services - Licensing	Yes	
Hampshire Fire And Rescue - Licensing	No Response Received	
Environmental Health - Licensing	No Response Received	
Planning & Sustainability - Building Control - Licensing	No Response Received	
Planning & Sustainability - Development Control - Licensing	No Response Received	
Police - Licensing	No	See attached representation
Trading Standards - Licensing	Yes	

## ***Other Representations***

<b>Name</b>	<b>Address</b>	<b>Contributor Type</b>
None		

## ***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 major variation of a 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 variation, 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 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.

**Application to vary a premises licence 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 SIDDHIVINAYAK LIMITED

*(Insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

<b>Premises licence number</b> 2009/00895/01/SPRN
--

**Part 1 – Premises Details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>			
TREATS LONDON ROAD			
<b>Post town</b>	SOUTHAMPTON	<b>Post code</b>	SO15 2AD

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£23500

**Part 2 – Applicant details**

<b>Daytime contact telephone number</b>	
<b>E-mail address (optional)</b>	
<b>Current postal address if different from premises address</b>	
<b>Post Town</b>	
<b>Postcode</b>	

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Legal Services

**Part 3 - Variation**

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day		Month		Year	

**Please describe briefly the nature of the proposed variation** (Please see guidance note 1)

TO EXTEND THE HOURS FOR THE SALE OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES BY ONE HOUR EACH EVENING FROM 22.00 TO 23.00 AND ADD THE PROVISION OF LATE NIGHT REFRESHMENT FROM 23.00 TO 03.00 EVERY DAY, PLUS MINOR CHANGES TO LAYOUT

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

## Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

### Provision of regulated entertainment

Please tick yes

- 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 entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j)  
(if ticking yes, fill in box K)

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

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 4)		
Thur					
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					



**C**

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)
Wed			<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
Wed			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Thur			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment you will be providing</u></b>		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the facilities for making music you will be providing</u></b>	
			<b><u>Will the facilities for making music be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)	
Mon				
Tue			<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)	
Wed				
Thur			<b><u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)	
Fri				
Sat				
Sun				

**J**

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b>Will the facilities for dancing be indoors or outdoors or both – please tick</b> (see guidance note 2)	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
			<b>Please give a description of the facilities for dancing you will be providing</b>	
Day	Start	Finish		
Mon			<b>Please give further details here</b> (please read guidance note 3)	
Tue				
Wed				
Thur			<b>State any seasonal variations for providing dancing facilities</b> (please read guidance note 4)	
Fri				
Sat			<b>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
Sun				



**K**

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment facility you will be providing</u></b>		
Day	Start	Finish	<b><u>Will the entertainment facility be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u></b> (please read guidance note 4)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish						
Mon	00.00	03.00	<b><u>Please give further details here</u></b> (please read guidance note 3)					
	23.00	24.00						
Tue	00.00	03.00						
	23.00	24.00						
Wed	00.00	03.00				<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
	23.00	24.00						
Thur	00.00	03.00						
	23.00	24.00						
Fri	00.00	03.00	<b><u>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</u></b> (please read guidance note 5)					
	23.00	24.00						
Sat	00.00	03.00						
	23.00	24.00						
Sun	00.00	03.00						
	23.00	24.00						

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	07.00	23.00			
Tue	07.00	23.00			
Wed	07.00	23.00			
Thur	07.00	23.00			
Fri	07.00	23.00			
Sat	07.00	23.00			
Sun	07.00	23.00			
			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

**N**

**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

O

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	00.00	03.00	
	07.00	24.00	
Tue	00.00	03.00	
	07.00	24.00	
Wed	00.00	03.00	
	07.00	24.00	
Thur	00.00	03.00	
	07.00	24.00	
Fri	00.00	03.00	
	07.00	24.00	
Sat	00.00	03.00	
	07.00	24.00	
Sun	00.00	03.00	
	07.00	24.00	
<b>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</b> (please read guidance note 5)			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

HOURS RESTRICTING THE SALE OF ALCOHOL TO 22.00 AND OPENING HOURS TO 22.00

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

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

**P** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

ALARM SYSTEM, TRAINED STAFF WITH ONGOING REFRESHER TRAINING, CCTV SYSTEM WITH 30 DAY DIGITAL RECORDING FACILITY, CHALLENGE 21 TRADING INITIATIVE WITH REFUSALS SYSTEM AND REFUSALS BOOK, SIGNAGE, SPIRITS LOCATED BEHIND THE COUNTER, ALCOHOL DISPLAY CORDONED OFF WHEN NOT FOR SALE, SIA DOOR SECURITY PERSON ON DUTY 00.00 TO 03.00 WEDNESDAY, SATURDAY AND SUNDAY MORNINGS

**b) The prevention of crime and disorder**

ALARM SYSTEM, CCTV SYSTEM WITH RECORDING FACILITY, TRAINED STAFF, CHALLENGE 21, REFUSALS SYSTEM,

**c) Public safety**

STAFF TRAINED IN EVACUATION PROCEDURES AND USE OF FIRE SAFETY EQUIPMENT

**d) The prevention of public nuisance**

TRAINED STAFF WITH ONGOING REFRESHER TRAINING, CCTV SYSTEM WITH RECORDING FACILITY, CHALLENGE 21 TRADING INITIATIVE WITH REFUSALS SYSTEM AND REFUSALS BOOK, SIGNAGE, SPIRITS LOCATED BEHIND THE COUNTER

**e) The protection of children from harm**

TRAINED STAFF WITH ONGOING REFRESHER TRAINING, CCTV SYSTEM WITH RECORDING FACILITY, CHALLENGE 21 TRADING INITIATIVE WITH REFUSALS SYSTEM AND REFUSALS BOOK, SIGNAGE, SPIRITS LOCATED BEHIND THE COUNTER

Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- 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 A**

**Part 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent** (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature		
Date	25 <sup>th</sup> JULY 2011	
Capacity	AUTHORISED LICENSING AGENT	

**Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 13)

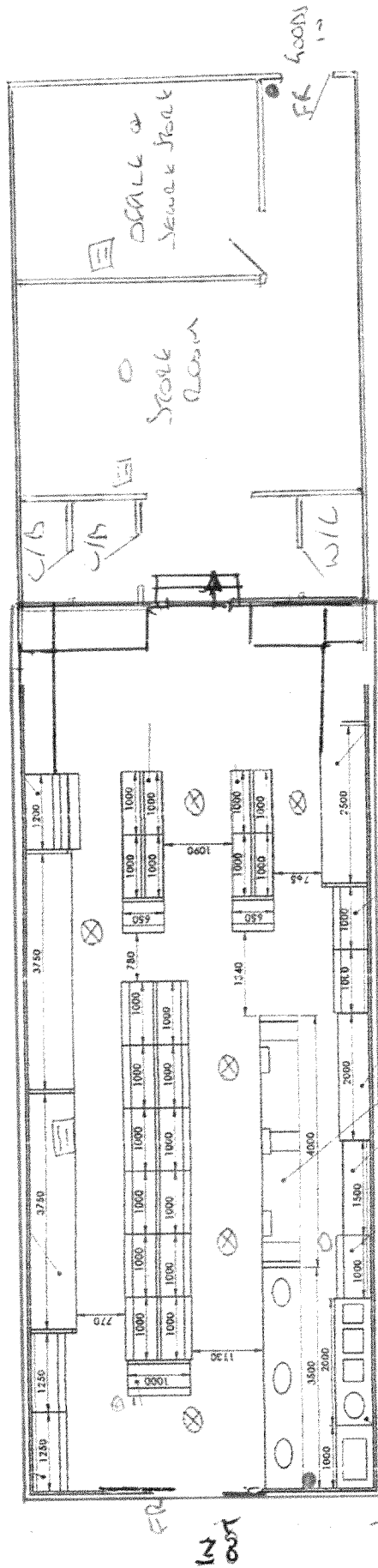
Post town	
Telephone number (if a If you would prefer us to	our e-mail address (optional)

K

**Mr PATEL, TREATS, 37 LONDON ROAD SOUTHAMPTON SO15 2AD**

LICENSING SOLUTIONS CJM 042/ 11

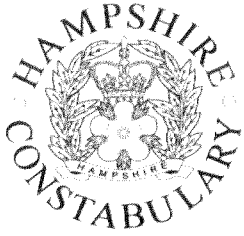
Shop Layout Scale 1:100 July '11



- Key:
- Cctv Camera ⊗
  - Extinguisher ●
  - Cctv Monitor ☐
  - Smoke Alarm ○

ALCOHOL DISPLAY THROUGHOUT THE STORE BUT SPIRITS ONLY LOCATED BEHIND THE COUNTER





**Hampshire Constabulary**  
Chief Constable Alex Marshall

Southampton City Council  
Southbrook Rise,  
4-8 Millbrook Road East,  
Southampton.  
SO15 1YG

Southampton Central Police Station  
Southern Road  
Southampton  
Hampshire  
SO15 1AN

**Our ref:** 44090518966  
**Your ref:**

**Telephone:** 0845 045 45 45

**Direct dial:** 023 8067 4768

**Fax No:** 08453660037

**Deaf/speech impaired minicom:** 01962 875000

**Email:** southampton.licensing@hampshire.pnn.police.uk

23<sup>rd</sup> August 2011

Dear Sir,

On behalf of Hampshire Constabulary, I submit the following objection to the application for the provision of late night refreshment hours at Treats, London Road, Southampton.

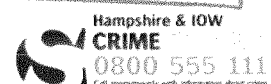
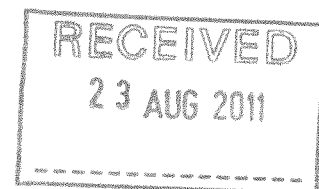
The premise in question is situated in a cumulative impact zone, which you, as the council have recognised and implemented into your policy. The cumulative impact policy was introduced by you because of the key findings and recommendations of a police report. This report identified that there were three areas in which there is a record of violent offending that is disproportionately high in terms of the city as a whole. It identified the following-

- The peak times for violence are in keeping with peak times for the night-time economy
- Each of these locations record an above average level of offences flagged as having been influenced by alcohol.
- In terms of offences where a premise is directly involved, all three locations record multiple offences.
- The overall trend with regard to these offences is either steady or upward.
- Both the Above Bar and Bedford Place/London Road areas also record a disproportionately high level of criminal damage.

Following this report, Southampton City Council took the responsible action of implementing a policy covering the three areas of concern to be used as a tool to control violent crime and alcohol related offending. As I am sure your aware your own statement of licensing policy states that under the Licensing Act 2003 you have a duty to promote the four licensing objectives which are-

- The prevention of crime and disorder

[www.hampshire.police.uk](http://www.hampshire.police.uk)





**Hampshire Constabulary**  
Chief Constable Alex Marshall

- Public safety
- The prevention of public nuisance and
- The protection of children from harm

Further to this, Section 17 of the Crime and Disorder Act 1998 imposes an obligation on every police authority and local authority to do all that it can to reasonable prevent –

- crime and disorder in its area including anti-social and other behaviour adversely affecting the local environment; and
- the misuse of drugs, alcohol and other substances in its area).

Therefore, I submit this objection to the application from Treats to add the provision of late night refreshment.

The police will not be objecting to the application to vary the hours for sales of alcohol until 23:00 hours. This has been agreed with the premise by way of email, of which a copy of the email has been forwarded to you including the conditions that the applicant is happy to be included upon the licence.

Yours faithfully,

PC 24084 CHANNELL

Violent Crime & Licensing Department  
Southampton



# 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**

<b>Postal address of premises or club premises:</b>			
Treats 37 London Road Southampton			
<b>Post town:</b>	Southampton	<b>Postcode:</b>	SO15 2AD

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Siddhivinayak Limited 4 Redhill Crescent Bassett Southampton SO16 7BQ

### Police Details

**Hampshire Constabulary is a responsible authority.**

<b>Name and address:</b>
PC 24084 CHANNELL Violent Crime and Licensing Unit Southampton Central Police Station Southern Road Southampton SO15 1AN

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





**HAMPSHIRE CONSTABULARY**

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

- 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*

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

On behalf of the Chief Officer of Police, I am writing to make a representation to the above application for the provision of Late Night Refreshment (LNR) only, on the following grounds:

- 1) The prevention of crime and disorder.
- 2) Public safety.
- 3) The prevention of public nuisance.

The Police are making this representation based upon the effects of cumulative impact within the area.

The premises is located within a "Special Policy" area.

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 Cumulative Impact Policy was introduced in order to address such saturation issues. In relation to Policy: CIP2 within the Statement of Licensing Policy, the police would suggest that the variation requested is a 'substantial' one and should therefore be refused.

The Department of Culture, Media and Sport guidelines state that "The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licences 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 Police believe that the applicant has not demonstrated within the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

The applicant has offered to provide a member of door staff between the hours of 00:00 and 03:00 on a Wednesday, Saturday and Sunday morning. However, it is not clear how this member of door staff will manage both the internal and external areas of the shop at the same time. The shop will still be



## HAMPSHIRE CONSTABULARY

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

susceptable to theft and disorder could also potentially occur both inside and outside of the shop due to more people congregating to eat their food.

There are already two other premises on London Road which provide LNR until 03:00 - Kebab House and Subway. These two premises also provide fixed indoor seating areas for customers to use. The applicant is not able to provide such a service to his customers and intends for them to eat in the street outside once they have purchased their meal. There is less chance of customers becoming disorderly if they are able to sit down and eat rather than if they are stood up bumping into each other. This is clearly going to have an impact upon the local community by creating more noise in the street and more rubbish to clear away. This will add to and not prevent public nuisance, which is already stressed within the area.

As mentioned already there are two other LNR premises on London Road, which remain open until 03:00 am. This is supported by a further seven premises in Bedford Place, which provide LNR. The police believe that this amount of LNR premises is already more than enough to cater for the night time economy (NTE) in the Bedford Place area. If this application is granted, it would create another location in an already saturated area for revellers to congregate and potentially cause disorder.

Southampton's NTE has been shown to fuel increased levels of violence and criminal damage offences throughout the year. Beat areas SW01 (City Centre) and SW03 (Polygon), which is where the majority of the night time economy is concentrated, comfortably show the highest numbers of assault offences within the area despite their comparatively small size. For the period of January to November 2010 assault and criminal damage offences in the City Centre (SW01), Waterfront (SW02) and the Polygon (SW03) have been individually assessed as to whether they are linked to the NTE (and recorded if they are) in an effort to better understand the problem. 607 assault and 365 criminal damage offences have been identified in this period.

The majority of pubs and clubs in the Polygon (SW03) are situated in the area which is boarded by Bedford Place, Carlton Crescent and London Road which will be referred to as Bedford Place. Between January and December 2010, in Bedford Place, there was a total of 531 relevant offences, of which 254 were assaults and 119 were drunkenness and public order incidents, 100 incidents of criminal damage, 28 drug related offences and 4 indecent assaults. All of these have been marked as involving drink or drugs and the majority of which were linked directly to licensed premises and the night time economy

Police have also used their powers under Sect 27 Violent Crime Reduction Act 2006 on 214 occasions in Bedford Place between January and December 2010. These are all, by their very nature, directly linked to the night time economy, which this premises is proposing to increase its participation in. This power allows officers to disperse people if it is believed that the individual concerned is likely to be involved in alcohol related disorder type offences.

This clearly highlights the cumulative impact of the clubs and LNR premises in this area. Hampshire Constabulary feel that if Late Night Refreshment hours were to be granted throughout the week and especially until 0300 hours on a Wednesday, Saturday and Sunday, this will simply result in more people hanging around in London Road, in another location, which will in turn create more disorder,



## HAMPSHIRE CONSTABULARY

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

more violent assaults on innocent members of the public and create more criminal damage to property of those who live in the area.

Should the application for LNR be granted, police would request that the following condition also be added to the licence in addition to those mentioned within the next point below:

\* Door staff will be on duty on Wednesdays, Saturdays and Sundays between the hours of 00:00 and 03:00.

Door staff wearing High Visibility fluorescent Upper Clothing will patrol the outside perimeter of the front of the premises at the end of each evening (for at least an additional 15 minutes or until persons are dispersed from the immediate area) to ensure the safe and quiet dispersal of customers. Any customers congregating or loitering outside after leaving the premises will be asked to depart quickly and quietly.

Notices will be displayed in prominent positions at the exit of the premises requesting customers to leave quickly and quietly.

The police are not objecting to the application to vary the hours for alcohol sales until 23:00. This matter has been agreed with the applicant on the basis that the following conditions are applied to the licence:

\* 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. 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.

There shall be sufficient members of trained staff available during operating hours to be able to provide viewable copies on request of the Police or local authority. Any images recovered must be in a viewable format on either disc or VHS.

The recording system will be able to capture a minimum of 4 frames per second.

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.

CCTV warning signs to be fitted in public places.

Recordings to be kept for a minimum of 28 days.

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.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number 02380674768 immediately.

\* An incident book will be provided and maintained at the premises and there will be a daily debrief of door staff (where used) at the close of business which will be evidenced in writing by the Manager on duty. Should there be no incidents then this will also be recorded at the end of the shift in the incident book.

The incident book will remain on the premises at all times and will be available to police upon



## HAMPSHIRE CONSTABULARY

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

request.

The book shall detail in brief, incident of injury/ejection/refusals/drug misuse/ i.d seizure/age challenge. Where there is an injury, ejection of physical altercation the entry shall be timed, dated and signed by the author. If the member of staff involved has difficulties reading or writing then the entry may be written by another party. This should however be read back to the person involved and counter signed. Should there be any physical interaction by members of staff and public the entry will include what physical action occurred between each party.

\* A refusals book to be kept detailing numbers , dates and times of incident and description of people refused service of alcohol with reasons why(Including incidents relating to disorder )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.

\* There will be a Challenge 25 policy operated at the premises. Challenge 25 meaning that the holder of the premises licence shall ensure that every individual who appears to be under 25 years of age seeking to purchase or be supplied with alcohol at or from the premises shall produce means of identification acceptable to the licensing authority proving that individual to be 18 years of age or older. 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.

\* Staff are trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18; signs and symptoms of drunk persons, refusal of sale due to intoxication and that records are kept of such training, which are signed and dated by the member of staff who has received the training; that staff receive refresher training every six months as a minimum and that records are signed and dated by the member of staff are kept of this refresher training. Records will be available for inspection by Hampshire Constabulary and the licensing Authority.

\* A record will be kept at the premises of any persons that the DPS has authorised to supply alcohol. Further to this when the DPS is absent from the premises a list will be made available stating who will be managing the venue.

With regards to CCTV and Challenge 25, the intention would be for these to replace the conditions that are already currently on the licence.

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

None



**HAMPSHIRE CONSTABULARY**

**NEW GRANT OR VARIATION OF PREMISES LICENCE  
OR CLUB PREMISES CERTIFICATE**

**FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY**

**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 recommend that the application to add the provision of late night refreshment be refused, due to the fact that the premise is within a Cumulative Impact Policy zone and by remaining open it will only add to the number of crimes committed and create further public nuisance.

**Signature of Police Officer Completing**

Signature: .....

Date: .....

23/08/11

**Recommendation of Police Sergeant**

**Signature of Police Sergeant**

Signature: .....

Date: .....

**Decision of Police Licensing Inspector**





**HAMPSHIRE CONSTABULARY**

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

*This is within the CIA subject to late Night Refreshment hours.*

Signature of Police Licensing Inspector

Sign

Date:

*23/8/11*

**NOTES FOR GUIDANCE**

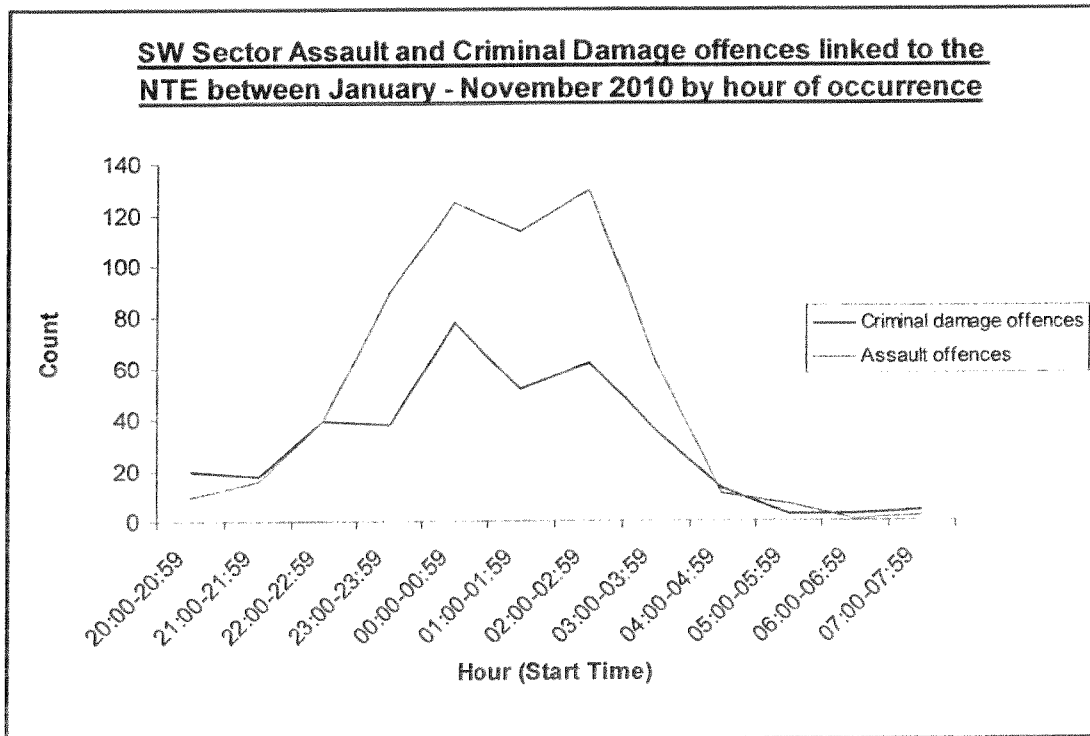
1. The ground(s) for representation must be based on one of the licensing objectives.
2. Please list any additional information or details, for example dates of problems which are included in the grounds for representation if available.
3. The representation form must be signed.



**Licence Extension Request by [REDACTED]**  
Produced by: Hollie Cleaton (14345 – SOCU Intelligence Analyst)  
Date: 06/01/2010  
Produced for: Sgt. Ivan Marshman

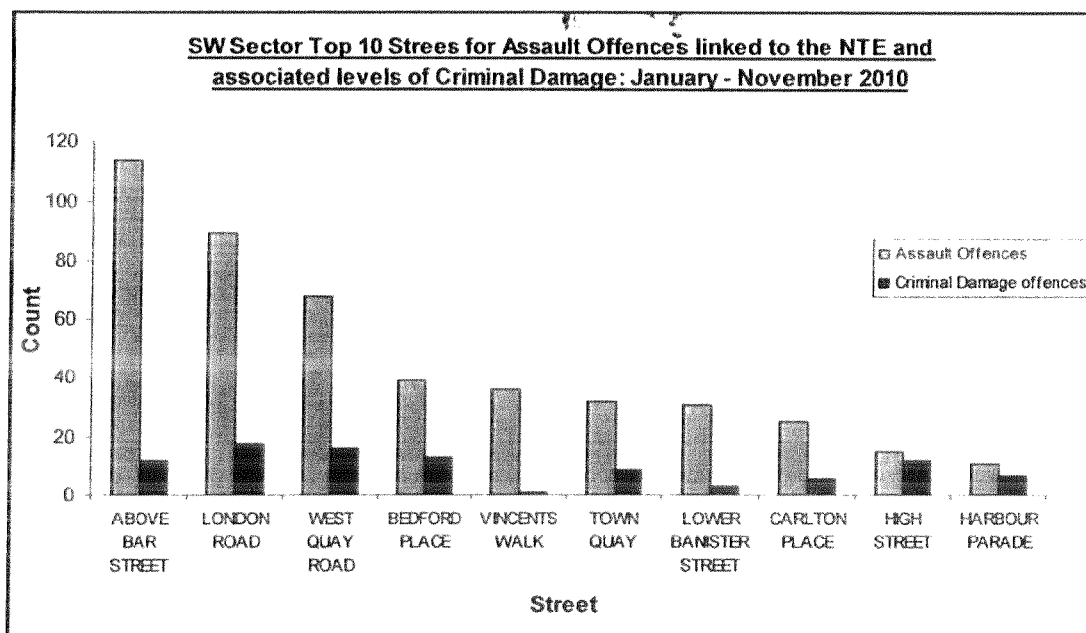
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Southampton's night time economy (NTE) has been shown to fuel increased levels of violence and criminal damage offences throughout the year. Beat areas SW01 (City Centre) and SW03 (Polygon), which is where the majority of the night time economy is concentrated, comfortably show the highest numbers of assault offences in the OCU despite their comparatively small size. For the period of January to November 2010 assault and criminal damage offences in the City Centre (SW01), Waterfront (SW02) and the Polygon (SW03) have been individually assessed as to whether they are linked to the NTE (and recorded if they are) in an effort to better understand the problem. 607 assault and 365 criminal damage offences have been identified in this period and the below graphs display the most frequent times and locations for these occurrences:



The above graph shows there is a steady increase in NTE related assaults and criminal damage offences from 22:00 peaking at between 02:00 and 02:59 for assaults and 00:00 – 00:59 for damage offences. Between 03:00 and 04:59 there is a dramatic drop-off in assault offending levels and from this point criminal damage occurrences also decline. This is attributable to the closure of both licensed premises and fast food outlets at 03:00 encouraging people to leave the area.

Criminal damage linked to the NTE is seen in the City Centre itself with licensed premises and shops often being damaged but also in surrounding residential areas, most notably the Polygon, where damage to property is seen to be caused by individuals en-route home from a night out.



██████ is located on Vernon Walk which is close to Carlton Place a street which ranks 8<sup>th</sup> in terms of the number of assault figures. Nearby streets also include London Road and Bedford Place both of which experience high levels of assaults. Vernon Walk is located in the Polygon area (SW03 beat) of the City which as a beat accounts for the highest proportion of both assault offences at 43.3% (263/607) and criminal damage offences at 58.4% (213/365) across Southampton.

**Recommendations:**

The prompt closure of all licensed premises and fast food outlets at 03:00 can be seen to reduce the levels of assault and criminal damage offences in the City Centre area. The level of assaults between 02:00 – 02:59 is more than double (130) the level of assaults between 03:00 – 03:59 (62). Any extension to the opening hours would undoubtedly lead to more individuals remaining in the town centre longer and therefore increase the likelihood of such offences occurring. An extension of opening hours to licensed premises on Vernon Walk is likely to have a greater effect as this street is located close to two of the busiest streets in Southampton for assault offences and is located in the busiest area of the City Centre, the Polygon.

Further to this criminal damage offences are high in this beat area in general and any extension of hours along Vernon Walk is likely to result in more people exiting onto either London Road or Bedford Place, both of these streets experience higher levels of criminal damage offences as they act as thoroughfares for people returning home to residential areas in the Polygon and Portswood. The extension of licensing hours past 03:00 is likely to increase both the levels of assaults in the area and also increase the time frame when additional police resources are required in this relatively small area of the City Centre. It is our view that the prompt closure of licensed premises at 03:00 reduces offending levels and the strain on police resources.



# Research and Analysis

Report in relation to Licensing Objection for "Treats", London Road

Produced by: Intelligence Analyst 11269 Laura Bayliss

Date: 19/08/2011

Produced for: PC 24084 Channell, Southampton Central Violent Crime & Licensing

RECEIVED

26 AUG 2011

SOUTHAMPTON CITY COUNCIL  
Legal Services

## Introduction

Southampton Central Violent Crime & Licensing team are currently putting together an objection for the premise 'Treats' in London Road, who have just applied to add the provision of Late Night Refreshment to their licence (they want to stay open from 2300 to 0300 to sell food). This report has been commissioned in order to identify what crimes are occurring in that area during the proposed opening times (23:00 – 03:00) and how this premise might add to the problems already there at that time of night.

## Methodology

An Ibase 8 search was conducted looking at all offences/incidents that occurred in the Polygon neighbourhood (SW03). This was then filtered down to London Road. The time period reviewed was 01/08/2010 – 31/07/2011. Recently completed analytical products were also reviewed in order to contextualise the issue of the Night Time Economy in the area.

## Neighbourhood background & its impact on area figures

"Treats" is located on London Road in Southampton which is covered by the Polygon neighbourhood (SW03).

SW03 The Polygon recently featured in a TAP report<sup>1</sup> (covering Friday and Saturday nights between 01/01/11 – 02/05/11) as being the key location for violent related offences within the city, with London Road and Bedford Place continually reporting higher levels of offences. This report also highlighted the fact that The Polygon accounts for the majority of ASB incidents reported in the NTE areas over the weekend. Outside of the nightclub "Junk" in London Road was identified as repeat location.

Also, in the most recent fortnightly Analysis of Night Time Economy Related Issues<sup>2</sup> London Road remained a hotspot for ASB & Violence.

Temporal analysis of all offences/incidents occurring in London Road between 01/08/2010 – 31/07/2011 showed that there is a clear peak on Wednesday, Saturday and Sunday mornings between 00:00 & 04:00.

## Incidents

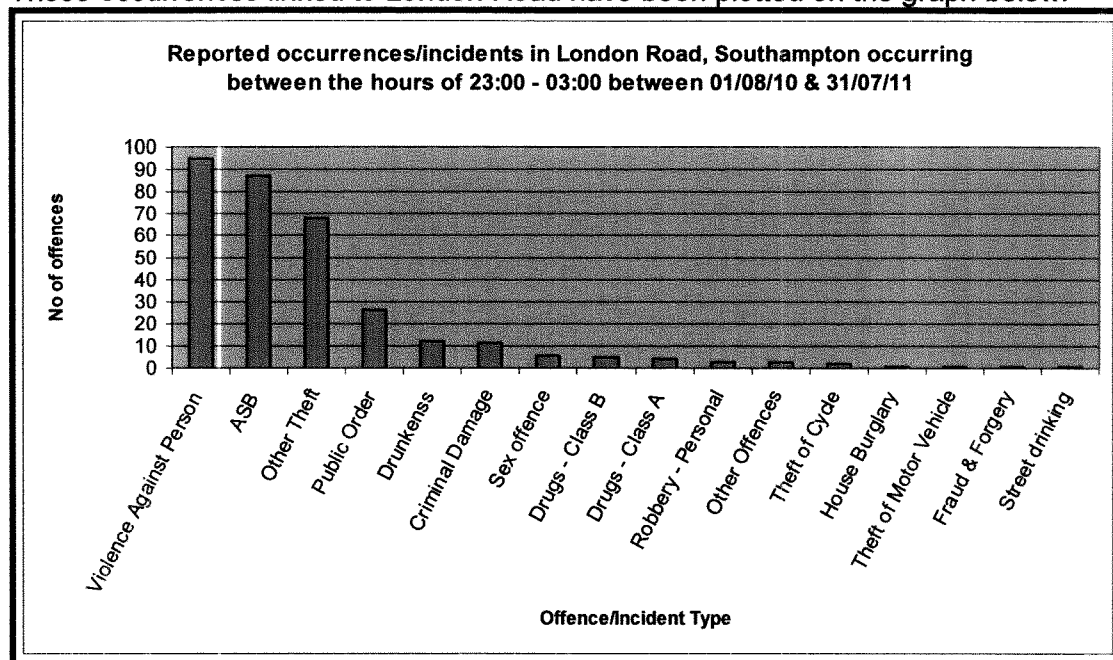
Looking at offences that occurred between 23:00 & 03:00 between the dates of 01/08/10 - 31/07/11, there were 1818 occurrences in total recorded for the whole of SW03 Polygon. 22% (407) of these occurred on London Road. This is significantly higher than the other streets in the area; Bedford Place was the second highest

<sup>1</sup> Problem profile for NTE related violence and disorder produced by Analyst 14345 Hollie Cleaton on 09/06/2011.

<sup>2</sup> Fortnightly Analysis of Night Time Economy Related Issues produced by CSP Analyst Angie Croxson on 18/08/2011

street and this recorded 250 offences contributing to 14% of the total reported occurrences in SW03 Polygon.

Those occurrences linked to London Road have been plotted on the graph below.



The most commonly reported crime type in London Road during the relevant times is Violence Against Person. This is followed by ASB incidents and then other theft offences.

### **Violence Against Person**

VAP offences account for 23% (95) of the total crime occurring in London Road between 23:00 & 03:00. Of the 95 offences, only 31 were recorded as occurring in licensed premises suggesting that street violence outside of the pubs and clubs or in nearby food outlets accounts for up to 67%. 46 of the VAP were shown as being alcohol or drug related. The top 3 locations for VAP offences were "Junk" which accounted for 25% (24), "Kellys" which accounted for 7% (7) and "Subway" which accounted for 5% (5).

### **Anti Social Behaviour (ASB)**

ASB incidents account for 21% (87) of the total crime occurring in London Road between 23:00 & 03:00. This includes those incidents recorded as Rowdy & Inconsiderate and more recently, ASB including ASB – Personal & ASB - Environmental. The top 3 locations for ASB incidents were again "Junk" which accounted for 40% (35), "Kellys" which accounted for 13% (11) and "Subway" which accounted for 9% (8).

### **Other theft**

Other theft accounted for 17% (68) of the total crime occurring in London Road between 23:00 & 03:00. Of these, 26 were theft from person and 42 were theft if not classified elsewhere. These offences generally involved the theft of wallets or mobile phones from handbags or pockets of persons whilst in clubs. 52 of the 68 theft offences occurred in Junk Night Club. Only 2 offences occurred in the food outlets nearby.

### **Premise breakdown**

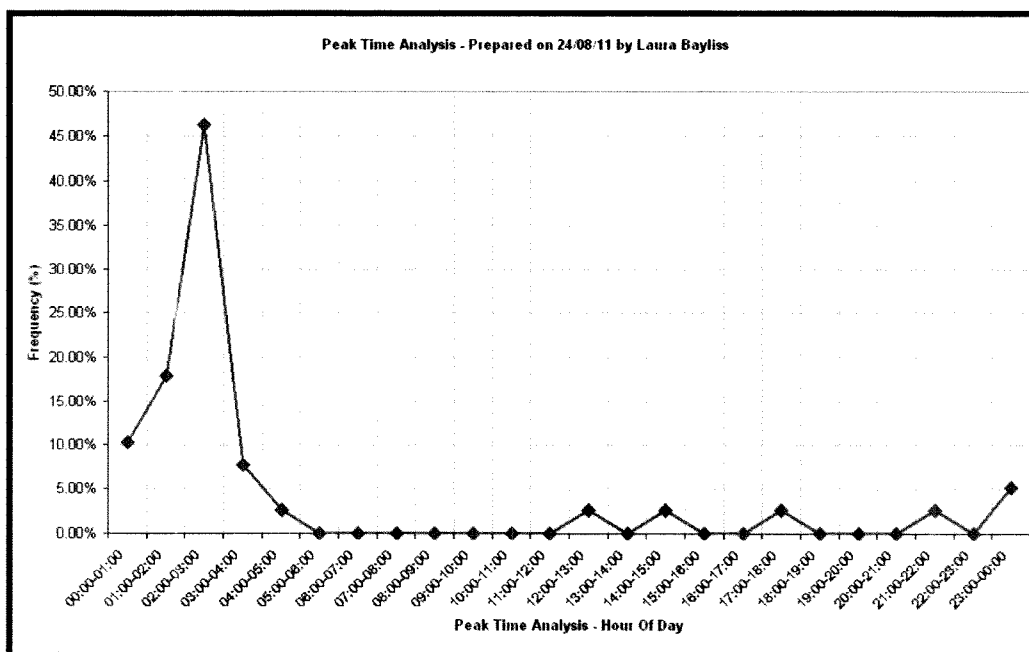
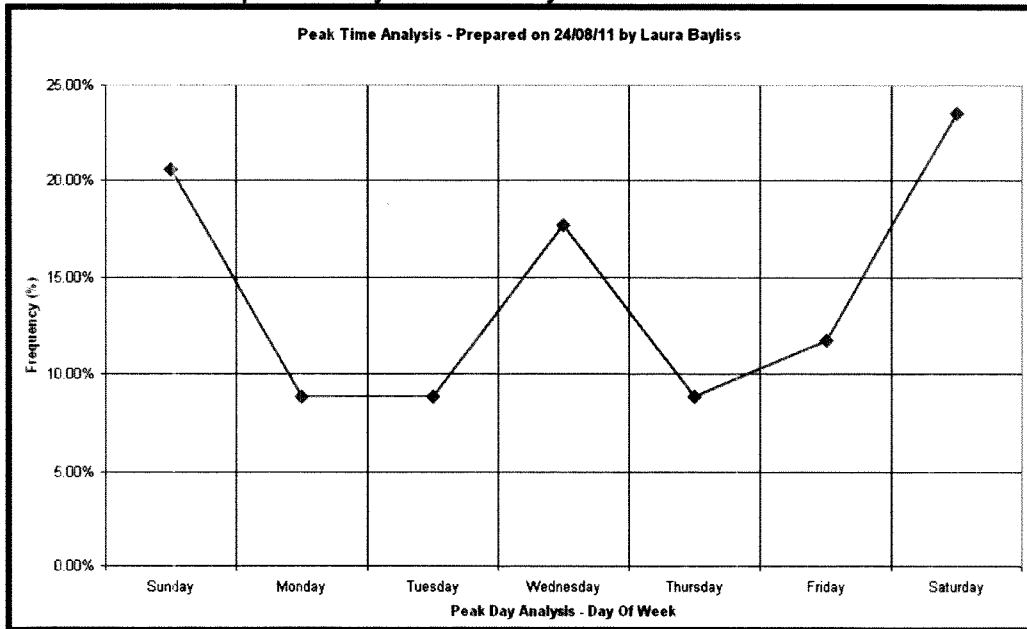
The top 3 locations for crime and Disorder in London Road between 23:00 & 03:00 were as follows:

- Junk (152) 37%
- Kellys (35) 9%
- Subway (30) 7%

“Treats” (37 London Road), the premise in question, is located in-between the top 2 locations (situated next door to “Kellys” and only 9 premises down from club “Junk”).

“Subway” is currently the nearest non licensed, late opening premise to “Treats”. For that reason this has been reviewed as a benchmark in order to see what sort of issues this premise experiences and when. All offences/incidents occurring at this location between 01/08/10 & 31/07/11 were reviewed (not just those occurring between 23:00 – 03:00). It should however be noted that “Treats” is a convenience store as opposed to a fast food outlet, thus the chance of violence and disorder is likely to be less than in an environment in which customers are expected to wait for food.

Temporal Analysis – Subway 01/08/10 – 31/07/2011



As can be seen above, there is a clear peak in offending at “Subway” between 02:00 & 03:00 on Saturday, Sunday and Wednesday mornings. It can therefore be inferred that the vast majority of crime and disorder at this premise is related to the night time economy (Tuesday nights being “student” night in Southampton). 94% (32) of the

offences recorded at this location in the 12 months under review occurred between the hours of 23:00 & 04:00.

### **Conclusion & Recommendations**

“Treats”, the premise in question, is situated in a street that 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 Night time economy events. Treats is also situated next to “Kellys” and a few shops down from “Junk”, the 2 most problematic locations in terms of crime and disorder in London Road at the relevant times.

Analysis of the nearest non licensed food outlet has shown that 94% of the offences at that location occurred between the hours of 23:00 & 04:00 (with a significant peak between 02:00 & 03:00) which is the time frame during which “Treats” has requested to remain open and sell food. Should the provision of Late Night Refreshment be added to the licence, it is likely to encourage more people to linger in an area prone to violence and disorder at a time when police resources are already stretched. It is therefore recommended that this request is objected. Failing an objection, if the provision is agreed, it is strongly recommended that the hours are revised and a closure of 02:00 is agreed as opposed to 03:00 as analysis has shown that this is when the majority of offences/incidents are likely to occur.



# Research and Analysis

## Report in relation to Licensing Objection for "Treats", London Road.

Produced by: Intelligence Analyst 11269 Laura Bayliss

Date: 19/08/2011

Produced for: PC 24084 Channell, Southampton Central Violent Crime & Licensing.

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Temporal analysis of all offences/incidents occurring in London Road between 01/08/2010 – 31/07/2011 showed that there is a clear peak on Wednesday, Saturday and Sunday mornings between 00:00 & 04:00.

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Looking at offences that occurred between 23:00 & 03:00 between the dates of 01/08/10 - 31/07/11, there were 1818 occurrences in total recorded for the whole of SW03 Polygon. 22% (407) of these occurred on London Road. This is significantly higher than the other streets in the area; Bedford Place was the second highest

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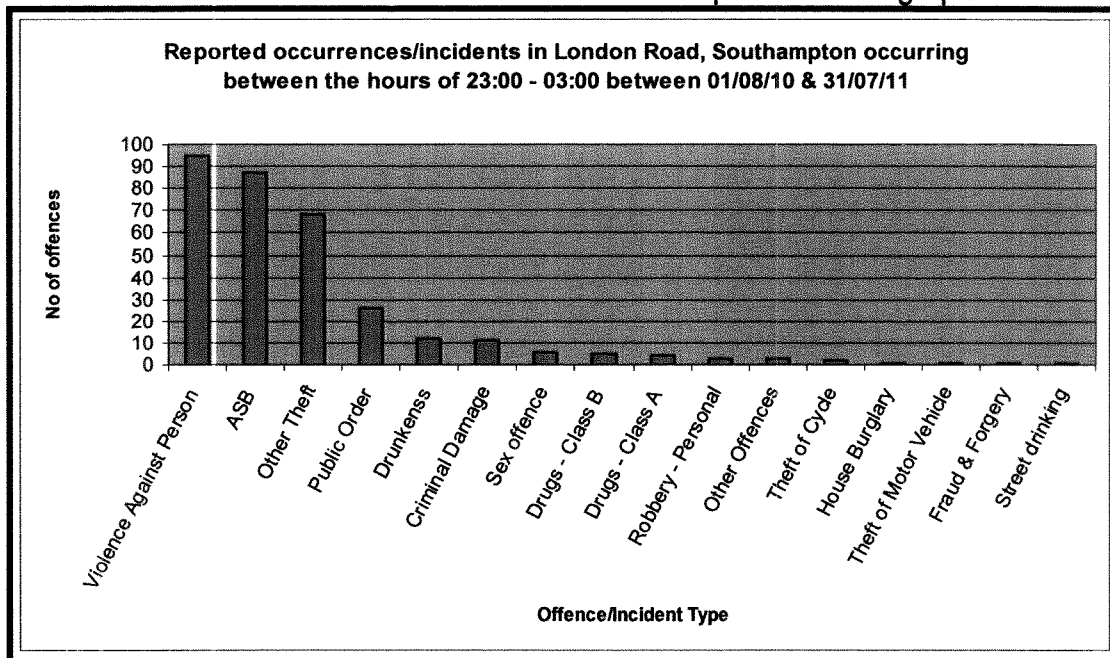
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Those occurrences linked to London Road have been plotted on the graph below.



The most commonly reported crime type in London Road during the relevant times is Violence Against Person. This is followed by ASB incidents and then other theft offences.

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ASB incidents account for 21% (87) of the total crime occurring in London Road between 23:00 & 03:00. This includes those incidents recorded as Rowdy & Inconsiderate and more recently, ASB including ASB – Personal & ASB - Environmental. The top 3 locations for ASB incidents were again “Junk” which accounted for 40% (35), “Kellys” which accounted for 13% (11) and “Subway” which accounted for 9% (8).

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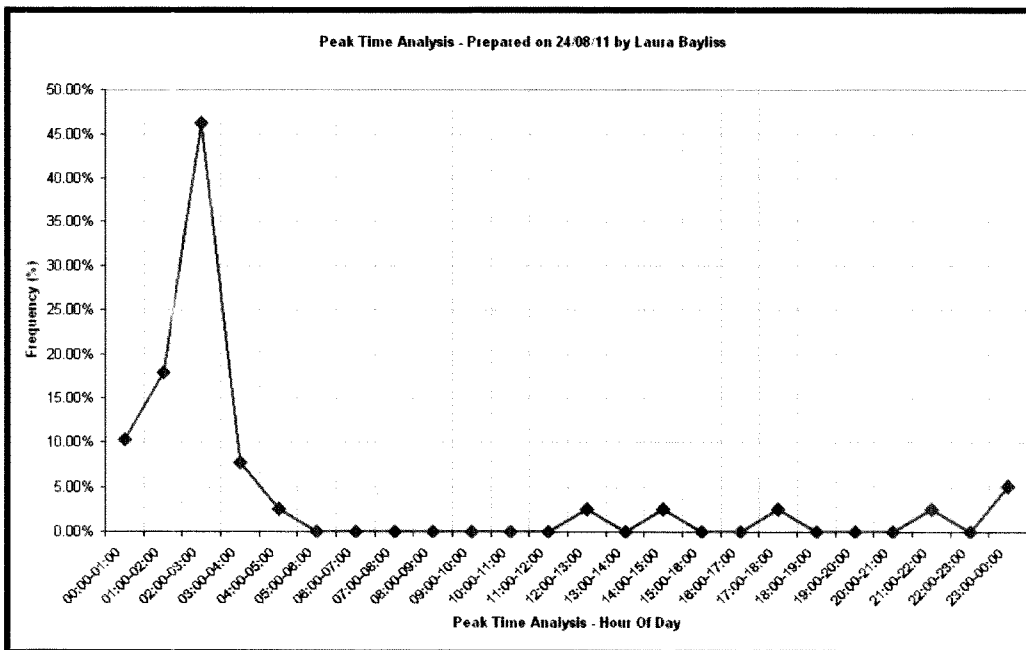
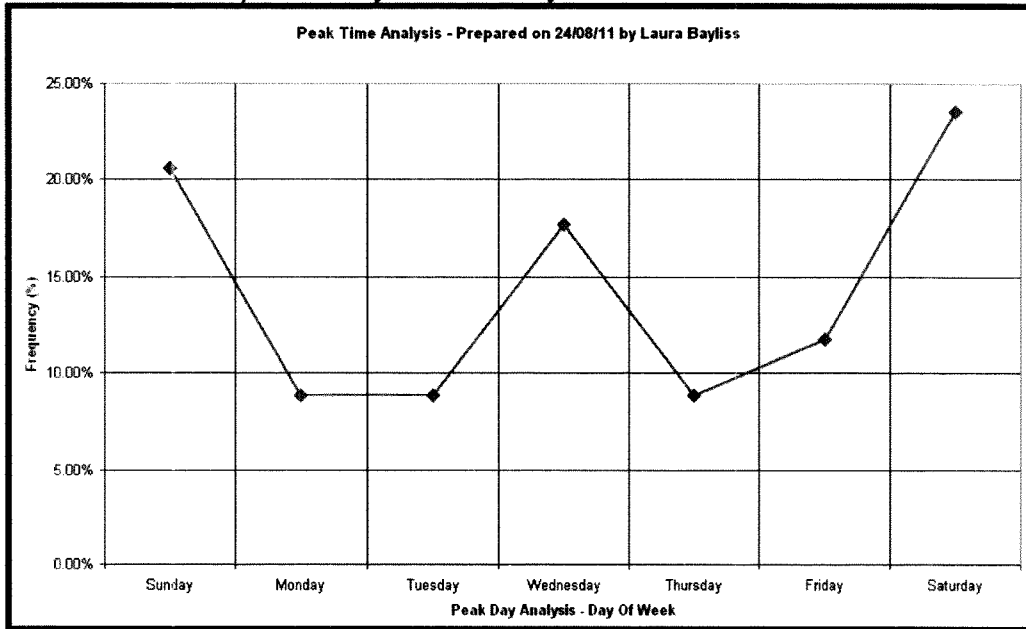
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“Treats” (37 London Road), the premise in question, is located in-between the top 2 locations (situated next door to “Kellys” and only 9 premises down from club “Junk”).

“Subway” is currently the nearest non licensed, late opening premise to “Treats”. For that reason this has been reviewed as a benchmark in order to see what sort of issues this premise experiences and when. All offences/incidents occurring at this location between 01/08/10 & 31/07/11 were reviewed (not just those occurring between 23:00 – 03:00). It should however be noted that “Treats” is a convenience store as opposed to a fast food outlet, thus the chance of violence and disorder is likely to be less than in an environment in which customers are expected to wait for food.

Temporal Analysis – Subway 01/08/10 – 31/07/2011



As can be seen above, there is a clear peak in offending at “Subway” between 02:00 & 03:00 on Saturday, Sunday and Wednesday mornings. It can therefore be inferred that the vast majority of crime and disorder at this premise is related to the night time economy (Tuesday nights being “student” night in Southampton). 94% (32) of the

offences recorded at this location in the 12 months under review occurred between the hours of 23:00 & 04:00.

### **Conclusion & Recommendations**

“Treats”, the premise in question, is situated in a street that 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 Night time economy events. Treats is also situated next to “Kellys” and a few shops down from “Junk”, the 2 most problematic locations in terms of crime and disorder in London Road at the relevant times.

Analysis of the nearest non licensed food outlet has shown that 94% of the offences at that location occurred between the hours of 23:00 & 04:00 (with a significant peak between 02:00 & 03:00) which is the time frame during which “Treats” has requested to remain open and sell food. Should the provision of Late Night Refreshment be added to the licence, it is likely to encourage more people to linger in an area prone to violence and disorder at a time when police resources are already stretched. It is therefore recommended that this request is objected. Failing an objection, if the provision is agreed, it is strongly recommended that the hours are revised and a closure of 02:00 is agreed as opposed to 03:00 as analysis has shown that this is when the majority of offences/incidents are likely to occur.