
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 12 JANUARY 2012

Present: Councillors Drake, B Harris and Parnell

69. **ELECTION OF CHAIR**

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

70. **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 predetermined point whilst the Sub-Committee reach its decisions.

71. **APPLICATION FOR A PREMISES LICENCE - PAMS FOOD, THE SAINTS HOTEL PH, MANSEL ROAD WEST, SO16 9LP**

The Sub-Committee considered the application for a premises licence in respect of Pams Food, The Saints Hotel PH, Mansel Road West, SO16 9LP. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Parera, Applicant, Mr Dhunswayh, Colleague and PC Prior, Hampshire Constabulary were present and with the consent of the Chair, addressed the meeting.

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

RESOLVED that the application for a premises licence be refused.

REASONS

The Sub-Committee considered carefully the application for a premises licence at Pam's Food and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy and human rights legislation. It listened very carefully to the representations made both written and given orally by all parties and due weight was given to residents' concerns about noise nuisance and anti-social behaviour.

The Sub-Committee considered very carefully the evidence of the residents and the police relating to the licensing objectives and the answers to questions provided by the applicant.

The Sub-Committee was not satisfied that the applicant fully understood the implications of the later opening hours and was not satisfied that there would be any appropriate measures in place to cope with the likely difficulties.

During the hearing the applicant was given more than one opportunity to provide an answer and was unable to do so and failed to grasp the significant difference of being open even a couple of hours later.

The Sub-Committee was also concerned that the written application as presented was misleading in that reference was made to staff training and full CCTV coverage. Although the Sub-Committee did not believe there was any intention to mislead, it demonstrated the applicant's lack of understanding of the licensing objectives.

72. **APPLICATION FOR A PREMISES LICENCE - BOTTLES UP, 300 SHIRLEY ROAD, SOUTHAMPTON, SO15 3HL**

The Sub-Committee considered the application for a premises licence in respect of Bottles Up, 300 Shirley Road, Southampton, SO15 3HL. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Singh, Applicant, PC Lindley, Hampshire Constabulary and Mr Marshall, Trading Standard were present and with the consent of the Chair, addressed the meeting.

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

RESOLVED that the application for a premises licence be granted, subject to the following:-

- (i) that conditions agreed between the applicant and the Police relating to CCTV, Incident Book, Challenge 25, Refusals Book and Training on page 39 and 40 of the report be attached to the licence;
- (ii) that the hours the premises are open to the public be reduced to 10h00 – 23h00;
- (iii) that a new DPS be appointed to the satisfaction of the Police and ; and
- (iv) that a personal licence holder to be on site at all times the premises are open.

REASONS

The Sub-Committee considered carefully the application for a premises licence at Bottles Up and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy and human rights legislation and evidence submitted by all parties, both written and given orally today.

The Sub-Committee considered the evidence of Trading Standards relating to the applicant's trading record and previous management of the premises, but were satisfied that the agreed conditions between the police and the applicant, the appointment of a new DPS background-checked by the police, as well as a personal licence holder on site at all times the premises were open, would be sufficient to address the licensing objectives.

73. **APPLICATION FOR A REVIEW OF A PREMISES LICENCE - CLOVELLY POST OFFICE AND STORES, 110 ST MARY'S ROAD, SOUTHAMPTON, SO14 OAN**

The Sub-Committee considered the application for a review of a premises licence by Hampshire Constabulary in respect of Clovelly Post Office and stores, 110 St Mary's Road, Southampton, SO14 OAN. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Lakhani, Designated Premises Supervisor, Mr Hester (Counsel for Clovelly Post Office and Stores) and PC Harris, Hampshire Constabulary were present and with the consent of the Chair, addressed the meeting.

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

RESOLVED :-

- (i) that the current DPS would be removed from the position of DPS at his East Street premises and would be solely responsible for the Clovelly Post Office and Stores premises by 31//03/12 and complete a nationally recognised Level 2 DPS course within 3 months;
- (ii) that the following conditions agreed with the police as set out below be attached to the licence:-

- **CCTV**

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; 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 ether 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 ie password protected; In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS must report the failure to the Southampton Police Licensing Unit.

- **Challenge 25**

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 that person.

- **Training**

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 and will be kept for a minimum period of two years.

- **Incident Book/Refusals**

An incident book will be provided and maintained at the premises which will detail incidents of disorder, theft, refusals of alcohol and age challenge. Should there be any physical interaction by members of staff and public, the entry will include what physical action occurred between each party. Where there is an entry, it shall be timed, dated and signed by the author. Should there be no incidents then this will also be recorded at the end of the shift in the incident book.

- The DPS will undertake a Level 2 DPS training course within 3 months.

REASONS

The Sub-Committee considered the application for a review of a premises licence at Clovelly Post Office and Stores and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted Statement of Licensing Policy, human rights legislation and representations made, both written and given orally by all parties

The Sub-Committee accepted that the incidents referred to in the police evidence and the lack of proper managerial control evidenced by it was serious.

However, as conditions had been agreed between the applicant and the police and work had already been undertaken to rectify the situation, the Sub-Committee felt that the problems could be dealt with satisfactorily by the imposition of appropriate conditions and the current DPS's removal from his position as DPS at other premises as requested by the police and agreed to by the applicant.

74. **APPLICATION FOR A REVIEW OF A PREMISES LICENCE - PIG AND WHISTLE, 108 SHIRLEY ROAD, FREEMANTLE, SO15 3FD**

The Sub-Committee considered the application for a review of a premises licence in respect of the Pig and Whistle, 108 Shirley Road, Freemantle, SO15 3FD. (Copy of the report circulated with the agenda and appended to signed minutes).

Mr C Johnson, Premises Licence Holder Ms L Barnes, Designated Premises Supervisor, and PC Lindley, Hampshire Constabulary were present and with the consent of the Chair, addressed the meeting.

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

RESOLVED

- (i) that the current DPS would complete a nationally recognised Level 2 DPS course within 3 months; and
- (ii) that the following conditions agreed with the police as set out below be attached to the licence.

- **CCTV**

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.

CCTV warning signs to be fitted in public places.

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.

The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.

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.

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.

There shall be sufficient members of trained staff at the on request of the Police or local authority. Any images recovered must be in a viewable format on either disc or VHS. Footage supplied in a digital format on CD or DVD will also have a copy of the CCTV system software enabled on the disc to allow playback. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Southampton Police Licensing Unit.

- **Toilet Checks**

The public toilets within the premise shall be checked every 30 minutes when the premises are open for a licensable activity. A record shall be kept by the premise and presented on request by Hampshire constabulary. Toilet check records shall be kept for a minimum period of 3 months.

- **Incident Book**

An incident book will be provided and maintained at the premises. It will remain on the premises at all times and will be available to police for inspection upon request.

Any incidents that include physical altercation or disorder, physical ejection, injury, id seizure or drug misuse will be recorded in the incident book. The entry is to include an account of the incident and the identity of all person(s) involved (or descriptions of those involved if identity is not known). Should there be any physical interaction by members of staff and the public the entry will include what physical action occurred between each party. The entry shall be timed, dated and signed by the author. If the member of staff creating the entry has difficulties reading or writing then the entry may be written by another staff member. This should however be read back to the person creating the entry and counter signed by the person who wrote the entry.

At the close of business on each day the incident book will be checked by the manager on duty where any entries will be reviewed and signed. If incidents have occurred the duty manager will de-brief door staff at the close of business. Should there be no incidents then this will also be recorded at the close of business in the incident book.

- **Refusals Book**

A refusals book will be kept and maintained at the premises and will be available for police inspection upon request. All refusals for the sale of alcohol and the reasons for refusal should be recorded. Any age challenge or identification seizures should also be recorded.

- **Challenge 25**

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.

Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.

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.

- **Training**

Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training.

All staff will receive refresher training every six months as a minimum and that records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.

All training records will be available for inspection by Hampshire Constabulary and the licensing Authority. Training records will be kept for a minimum period of two years.
The DPS should also complete a nationally recognised Level 2 DPS course.

REASONS

The Sub-Committee considered the application for a review of a premises licence at the Pig and Whistle and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted Statement of Licensing Policy, human rights legislation and representations made, both written and given orally by all parties

The Sub-Committee accepted that the incidents referred to in the police evidence and the lack of proper managerial control evidenced by it was serious.

However, as the Designated Premises Supervisor had been replaced and the current Designated Premises Supervisor was experienced and would be completing a nationally recognised Level 2 DPS course within 3 months and conditions had been agreed with the police, the Sub-Committee felt that the problems could be dealt with satisfactorily by the imposition of appropriate conditions.

75. **APPLICATION FOR A REVIEW OF A PREMISES LICENCE - WINDSOR CASTLE, 95 SHIRLEY HIGH STREET, SO16 4EX**

The Sub-Committee considered the application for a review of a premises licence in respect of Windsor Castle, 95 Shirley High Street, SO16 4EX. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr McKennan, Area Manager, Admiral Taverns (750) Ltd, Ms Mouldsdale, Designated Premises Supervisor, Mr W Rathore (Solicitor for Admiral Taverns (750) Ltd) and PC Lindley, Hampshire Constabulary, were present and with the consent of the Chair, addressed the meeting.

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

RESOLVED

- (i) that the following conditions agreed with the police as set out below be attached to the licence; and
- (ii) that the current Designated Premises Supervisor, Patricia Mouldsdale, attend a nationally recognised Level 2 DPS course, to be completed within three months of the date of these conditions being added to the premises licence coming into force.

- **CCTV**

The premises shall have sufficient cameras located within the premises to cover all public areas including the entrance and exit of the premises. The system should be able to cope with strobe lighting and all levels of illumination throughout the premises as well as outside areas.

CCTV warning signs to be fitted in public places.

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.

The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.

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.

The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, e.g. password protected.

There shall be sufficient members of trained staff at the premises 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. Footage supplied in a digital format on CD or DVD will also have a copy of the CCTV system software enabled on the disc to allow playback.

In the event of technical failure of the CCTV equipment the DPS or premises manager MUST report the failure to the Southampton Police Licensing Unit. Licensing activities may continue with the permission of Hampshire Police Licensing Unit, pending any repairs to the system.

- **Incident Book**

An incident book will be provided and maintained at the premises. It will remain on the premises at all times and will be available to police for inspection upon request.

Any incidents that include physical altercation or disorder, physical ejection, injury, id seizure or drug misuse will be recorded in the incident book. The entry is to include an account of the incident and the identity of all person(s) involved (or descriptions of those involved if identity is not known). Should there be any physical interaction by members of staff and the public the entry will include what physical action occurred between each party. The entry shall be timed, dated and signed by the author.

If the member of staff creating the entry has difficulties reading or writing then the entry may be written by another staff member. This should however be read back to the person creating the entry and counter signed by the person who wrote the entry.

At the close of business on each day the incident book will be checked by the manager on duty or nominated supervisor where any entries will be reviewed and signed. If incidents have occurred the duty manager will de-brief door staff (if any are employed) at the close of business. Should there be no incidents then this will also be recorded at the close of business in the incident book.

- **Refusals Book**

A refusals book will be kept and maintained at the premises and will be available for police inspection upon request. All refusals for the sale of alcohol and the reasons for refusal should be recorded. Any age challenge or identification seizures should also be recorded.

- **Challenge 25**

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older (unless that person is known to be over 18 years of age).

Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.

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 (unless that person is known to be over 18 years of age).

- **Training**

Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training.

All staff will receive refresher training every six months as a minimum and that records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.

All training records will be available for inspection by Hampshire Constabulary and the licensing Authority. Training records will be kept for a minimum period of two years.

The current DPS, Patricia MOULESDALE, will complete a nationally recognised Level 2 DPS course (e.g. BIIAB Level 2 NCDPS or an equivalent course). This will need to be completed within three months of the date of these conditions being added to the premises licence coming into force. This condition will only apply to Patricia MOULESDALE while she holds the position of DPS at this premises.

REASONS

The Sub-Committee considered the application for a review of a premises licence at the Windsor Castle and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted Statement of Licensing Policy, human rights legislation and representations made, both written and given orally by all parties

The Sub-Committee accepted that the incidents referred to in the police evidence and the lack of proper managerial control evidenced by it was serious. It was also noted that the application did not accept all of the police evidence but did not challenge it as matters could be agreed between them.

However, as the Designated Premises Supervisor would be completing a nationally recognised Level 2 DPS course within 3 months and conditions had been agreed with the police, the Sub-Committee felt that the problems could be dealt with satisfactorily by the imposition of appropriate conditions.