
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 26 January 2012

Present: Councillors Mrs Blatchford (Items 82 and 83), Cunio (Items 76-81),
Osmond and Parnell

Apologies: Councillor Drake

76. **ELECTION OF CHAIR**

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

77. **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

The Panel noted that Councillor Osmond was in attendance as a nominated substitute for Councillor Drake in accordance with Council Procedure Rule 4.3.

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

RESOLVED that the minutes of the meetings held on 5th and 12 January 2012 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

79. **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.

80. **APPLICATION FOR A PREMISES LICENCE - FLEMING ARMS, WIDE LANE, SOUTHAMPTON, SO18 2QN**

The Sub-Committee noted that no hearing was necessary due to the parties having reached agreement and in accordance with the provisions of the Licensing Act 2003.

81. **APPLICATION FOR REVIEW OF A PREMISES LICENCE - KEBAB HOUSE, 42B LONDON ROAD, SOUTHAMPTON, SO15 2AH**

The Sub-Committee considered the application for review of a premises licence in respect of Kebab House, 42B London Road, Southampton, SO15 2AH. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Perot, Premises Licence Holder, Mr Nazim and Mr Akrah, Staff Members, Mr Rathore, Solicitor for Premises Licence Holder, Mr Marshall, Trading Standards and PC Lindley and PS Marshman, 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.

RESOLVED that the following additional conditions be attached to the licence:-

- (i) that no tobacco products be sold at the premises; and
- (ii) the previous licence holder should have no involvement in the running of the business or premises.

REASONS

The Sub-Committee considered carefully the application for a review of a premises licence at the Kebab House 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, both written and given orally today by the Police, Trading Standards and the premises licence holder.

The Sub-Committee noted in particular the evidence of the police relating to the transfer of the premises licence subsequent to the commencement of the review proceedings. All parties accepted the transfer to be a genuine disposal and that the new premises licence holder had no connection with the premises prior to the transfer. It was further noted that all parties had reached agreement that the sale of tobacco at the premises in light of previous issues should cease.

The evidence presented by the police and trading standards as set out within the report was accepted by the current premises licence holder. It was noted that the evidence detailed trading beyond hours permitted, issues with CCTV and particularly the illegal sale of non duty-paid tobacco. In light of all the circumstances and issues at the premises the Sub-Committee was satisfied that the additional conditions to be attached to the licence were necessary and proportionate in conjunction with the existing conditions, to address the licensing objective of the prevention of crime and disorder and to ensure that the illegal sale of tobacco would not continue.

82. **APPLICATION FOR REVIEW OF A PREMISES LICENCE - MAXIMS, 159 HIGH STREET SOUTHAMPTON, SO14 2BT**

The Sub-Committee considered the application for review of a premises licence in respect of Maxims, 159 High Street, Southampton SO14 2BT. (Copy of report circulated with the agenda and appended to the signed minutes).

Mr Thami, Premises Licence Holder, PC Lindley and PS Marshman, 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 conditions relating to CCTV and the Incident Book as set out in the review application and as agreed between the parties be attached to the licence, with the following amendments to the CCTV condition.
 - the CCTV should cover the external area of the premises within the immediate vicinity of the entrance/exit to the reasonable satisfaction of the police and having due regard to the Home Office Code of Practice relating to surveillance cameras or any other such guidance as in force from time to time; and
 - the CCTV shall continue in operation until 03h30 on any day the premises is open for licensable activities.

NOTE

Determination of the precise wording for these additional conditions to be delegated to Legal Services to implement and to be confirmed in the formal notice of the decision.

REASONS

The Sub-Committee considered carefully the application for a review of a premises licence at Maxims 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, both written and given orally today by the Police and the premises licence holder.

The two conditions proposed by the Police were in the main agreed between the parties with the only remaining issues to be determined by the Sub-Committee being the extent to which CCTV coverage should be provided at the premises and the hours or length of time the system should be in operation.

The Sub-Committee considered very carefully all the evidence that it had heard, both in relation to the number and nature of incidents at or within the vicinity of the premises and the practical implications/cost implications for the premises licence holder. Whilst the Sub-Committee noted and accepted that the premises licence holder had provided CCTV on occasions, there remained significant issues of considerable concern with serious incidents of crime and disorder linked to the premises where CCTV was either not available or was not provided. Accordingly the Sub-Committee was satisfied that it was both necessary and proportionate to require by way of condition the proposals outlined within the police review application as well as a clear requirement that the CCTV cover external areas within the immediate vicinity in all the circumstances.

83. **APPLICATION FOR REVIEW OF A PREMISES LICENCE - CHILLIWHITE, VINCENTS WALK, SOUTHAMPTON, SO14 1JY**

The Sub-Committee considered the application for review of a premises licence in respect of Chilliwite, Vincents Walk, Southampton, SO14 1JY. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Stanford, Premises Licence holder, Mr Wood, Proposed Tenant, Mr Smith, Solicitor for Chilliwite, PC Prior 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 premises licence be amended to reflect the modified conditions; and
- (ii) that the following additional conditions as agreed between the parties, be attached to the licence:-

- **ID Scanner**

The provision, maintenance and use of ID Scan or similar equipment upon entry to the premises combined with the Challenge 21 policy must be in operation after 2100 hours during licensable activities and ID to be scanned upon entry. Accepted forms of identification will be passport, photo driving licence, or Proof of Age Standards Scheme (PASS). If a fault develops with the ID scan during operating hours, police must be notified immediately and a written record must be retained of customers ID. The fault will be rectified within one day or a replacement ID scan will need to be loaned in its place. In all other circumstances of a breakdown, police must be notified immediately and the fault rectified within 1 day or a replacement ID scan will need to be loaned in its place.

- **Training**

The DPS and duty manager should complete a nationally recognised Level 2 DPS course and that 3 months be given to allow that qualification to be obtained

All staff who sell alcohol will be trained to BIIAB Level 1 Award in Responsible Alcohol Retail. All sales of alcohol must be directly supervised and authorised by a person holding that award until such staff have achieved the required 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. Records will be kept for a minimum period of two years.

- **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.

REASONS

The Sub-Committee considered carefully the application for a review of a premises licence at Chilliwhite 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, both written and given orally today by the Police and the premises licence holder.

The Sub-Committee noted the specific facts relating to this application and the unusual circumstances relating to the recent transfer of the premises licence. It was accepted that this was a bona fide transfer and that the current premises licence holder and proposed tenant had no connection to the previous premises licence holder.

It was also noted that agreement had been reached with the police in relation to additional conditions to be attached to the premises licence in light of previous issues at the premises. In particular the Sub-Committee had due regard to the agreed wording for those additional conditions relating to ID Scanner, Training and Toilet Checks as submitted to the Sub-Committee at the hearing

84. **APPLICATION TO VARY A PREMISES LICENCE - PENSIONERS ARMS, 29
CARLTON PLACE, SOUTHAMPTON, SO15 2DX**

The Sub-Committee noted that no hearing was necessary due to the parties having reached agreement and in accordance with the provisions of the Licensing Act 2003.