

Licensing (Licensing and Gambling) Sub-Committee

Thursday, 27th March, 2014
at 6.00 pm

PLEASE NOTE TIME OF MEETING

Council Chamber - Civic Centre

This meeting is open to the public

Members

Councillor Cunio
Councillor Lewzey
Councillor Vassiliou

Contacts

Democratic Support Officer
Karen Wardle
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Head of Legal and Democratic Services
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PUBLIC INFORMATION

Terms of Reference

The Sub-Committee deals with licences for which the Council is responsible under the Licensing Act, 2003 and Gambling Act 2005, including:-

- Personal licences for the sale of liquor, Licensing Act 2003;
- Premises licences, various permits, variations and reviews (Licensing Act 2003 and Gambling Act 2005);
- Club certificates, variations and reviews, Licensing Act 2003;
- Registration and deregistration of designated premises supervisors, Licensing Act 2003;
- Determination of police objections to temporary event notices, Licensing Act 2003

Relevant Representations

Those who have made relevant representations may address the meeting about the matter in which they have an interest.

When dealing with Licensing Act matters the Sub-Committee can only take into account the following statutory Licensing Objectives:-

- prevention of crime and disorder
- public safety
- prevention of public nuisance
- protection of children from harm

Likewise, when dealing with Gambling Act matters the Sub Committee can only take into account the statutory Licensing Objectives below:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

Smoking policy

The Council operates a no-smoking policy in all civic buildings.

Southampton City Council's Priorities:

- **Economic:** Promoting Southampton and attracting investment; raising ambitions and improving outcomes for children and young people.
- **Social:** Improving health and keeping people safe; helping individuals and communities to work together and help themselves.
- **Environmental:** Encouraging new house building and improving existing homes; making the city more attractive and sustainable.
- **One Council:** Developing an engaged, skilled and motivated workforce; implementing better ways of working to manage reduced budgets and increased demand.

Fire Procedure –

In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access –

Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Mobile Telephones –

Please turn off your mobile telephone whilst in the meeting.

Dates of Potential Meetings Municipal Year 2013/14

2013	5TH DECEMBER
13TH JUNE	19TH DECEMBER
27TH JUNE	2014
11TH JULY	16TH JANUARY
25TH JULY	30TH JANUARY
8TH AUGUST	13TH FEBRUARY
22ND AUGUST	27TH FEBRUARY
5TH SEPTEMBER	13TH MARCH
19TH SEPTEMBER	27TH MARCH
3RD OCTOBER	10TH APRIL
17TH OCTOBER	24TH APRIL
7TH NOVEMBER	8TH MAY
21ST NOVEMBER	15TH MAY

CONDUCT OF MEETING

Terms of Reference

The terms of reference are contained in the Council's Constitution.

Business to be discussed

Only those items listed on the attached agenda may be considered at this meeting.

Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution and Licensing Act 2003 (Hearings) Regulations 2005.

Quorum 3

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

(i) Any employment, office, trade, profession or vocation carried on for profit or gain.

(ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

a) the total nominal value fo the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or

b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

Agendas and papers are available via the Council's website.

1 ELECTION OF CHAIR

To appoint a Chair for the purposes of this meeting.

2 APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)

To note any changes in the membership of the Sub-Committee made in accordance with the Licensing Act 2003.

3 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

4 STATEMENT FROM THE CHAIR

5 EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE

At a predetermined point during the consideration of all items the Sub-Committee may move into private session in order to receive legal advice when determining issues. The parties to the hearing, press and the public, unless otherwise excluded by the Licensing Act 2003 (Hearings) Regulations 2005, will be invited to return immediately following that private session at which time the matter will be determined and the decision of the Sub-Committee will be announced.

6 EXCLUSION OF THE PRESS AND PUBLIC - CONFIDENTIAL PAPERS

Chair to move that the Sub-Committee consider whether the press and public be excluded from the hearing in respect of the following item in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The report and 4 appendices of the following item include details and information that would ordinarily be classed as exempt from publication in accordance with the Council's Constitution and specifically Categories 1 and 2 of paragraph 10.4 of the Access to Information Procedure Rules due to the identification of individuals and sensitive details of an ongoing police investigation. Accordingly the report and 4 appendices have not been published at this stage. In accordance with the Licensing Act 2003 (Hearings) Regulations 2005 members shall be able to determine whether to exclude the public from all or any part of the hearing after consideration of the public interest.

7 APPLICATION FOR SUMMARY REVIEW OF PREMISES LICENCE - RHINO, WATERLOO TERRACE, SOUTHAMPTON SO15 9BA

Report of the Head of Legal and Democratic Services, detailing an application for a summary review of the premises licence in respect of Rhino, Waterloo Terrace, Southampton SO15 9BA, the report and 4 appendices are marked as confidential, attached.

Following the Licensing (Licensing & Gambling) Sub-Committee Meeting on 27 March 2014 the Sub-Committee was satisfied that it was in the public interest that the report and appendices 2, 3 and 4 be published.

Note: this information was previously considered confidential and has not been published until after consideration of the item, in line with the advertised exclusion of press and public on the Agenda.

Wednesday, 19 March 2014

HEAD OF LEGAL AND DEMOCRATIC SERVICES

DECISION-MAKER Licensing (Licensing and Gambling) Sub-Committee

SUBJECT Hearing to Consider an Application for Summary Review of Premises Licence –
Rhino, Waterloo Terrace, Southampton SO15 2AL

DATE OF HEARING Thursday 27 March 2014

REPORT OF Head of Legal and Democratic Services

E-mail licensing@southampton.gov.uk

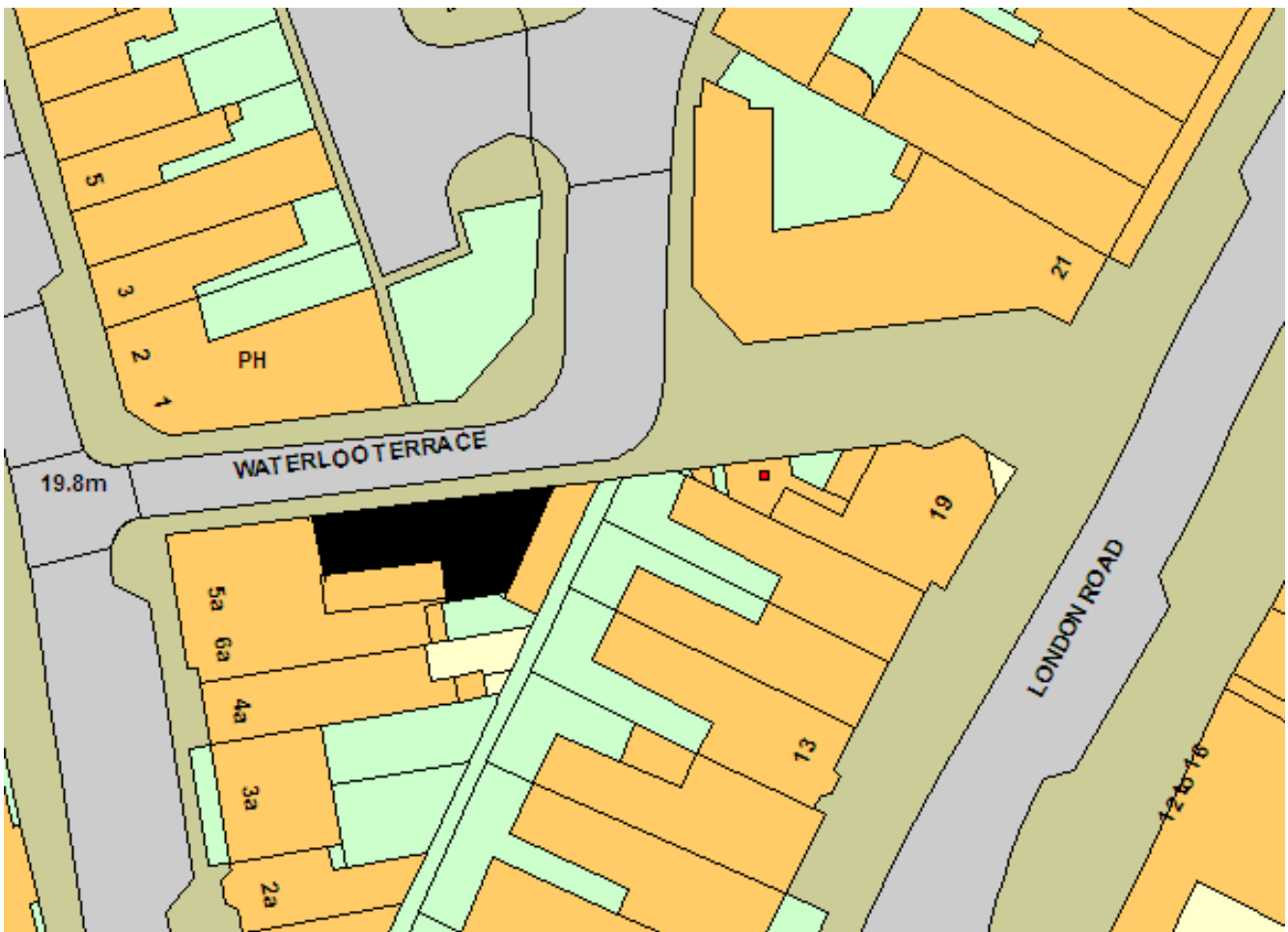
This report includes details and information that would ordinarily be classed as exempt from publication in accordance with the Council's Constitution and specifically Categories 1 and 2 of paragraph 10.4 of the Access to Information Procedure Rules due to the identification of individuals and sensitive details of an ongoing police investigation. Accordingly, the report has not been published at this stage. In accordance with the Licensing Act 2003 (Hearings) Regulations 2005 Members shall be able to determine whether to exclude the public from all or any part of the hearing after consideration of the public interest.

Application Date: 3 March 2014

Application Received: 3 March 2014

Application Valid: 3 March 2014

Reference: 2014/00885/01SSRP



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Representations From Responsible Authorities

Responsible Authority	Satisfactory?
Child Protection Services - Licensing	No Response Received
Hampshire Fire And Rescue - Licensing	Yes
Environmental Health - Licensing	No Response Received
Planning & Sustainability - Building Control - Licensing	No Response Received
Primary Care Trust - Public Health Manager	No Response Received
Police - Licensing	No
Trading Standards - Licensing	No Response Received

Other Representations

Name	Address	Contributor Type
None	None	

Application for Summary Review

- Hampshire Constabulary has applied for a summary review of the premises licence for Rhino, Waterloo Terrace, Southampton.
- Superintendent James Fulton of Hampshire Constabulary's Central Police Station has formed the opinion that the premises are associated with serious crime and serious disorder and provided a certificate to that effect to the Licensing Manager at 15:00 on Monday 3 March 2014.
- The application, the associated certificate from Superintendent Fulton and the representations to the summary review by Hampshire Constabulary are contained in appendix 1 to this report.
- Rhino is a premises trading as part of the night time economy in Waterloo Terrace, between Bedford Place and London Road. The premises licence permits the use of the premises on every day until 04:00.
- A copy of the current Licensing Act 2003 premises licence appears as appendix 2 to this report.
- Immediately following the receipt of the application for summary review from Hampshire Constabulary, a request, under section 41 of the Licensing Act 2003, was received from the Designated Premises Supervisor (DPS) at Rhino to be removed as such. The effect of this request is that, in the absence of a named DPS, alcohol cannot be lawfully sold at the premises.
- At the date of preparation of this report, no application had been received for the variation of the premises licence to name a new designated premises supervisor.

Actions following receipt of Application for Summary Review

- In accordance with the legislation, notice of the application for review was displayed on the exterior of the premises and adjacent to the premises, on the Council's web site and in the Civic Centre with effect from Tuesday 4 March 2014 for a period of seven days. A copy of this is attached as appendix 3.

9. In accordance with sections 53A and 53B of the Licensing Act 2003, the sub-committee was required to consider what interim steps should be taken pending the summary review hearing. The sub-committee considered whether or not to take interim steps on Wednesday 5 March 2014 and resolved, on the information available to them, that it was necessary and proportionate to suspend the premises licence pending hearing of the summary review.
10. A note of the decision made by the sub-committee as to interim steps appears in appendix 4 to this report.
11. Notice of the summary review, together with a copy of the application, certificate and the sub-committee's interim steps decision was also given to each of the responsible authorities and, in person, to the premises licence holder on Wednesday 5 March 2014.
12. Representations to the summary review have been received from Hampshire Constabulary. No other representations have been received.
13. At the date of preparation of this report, the premises licence holder had not exercised his right under section 53B (6) to make representations to the sub-committee about the interim steps taken.

Legal Implications

14. Sections 53A, 53B and 53C of the Licensing Act 2003 provide the police with powers of summary review of premises licences in cases of serious crime or serious disorder (or both), where the premises licence authorises the sale by retail of alcohol.
15. Serious crime is defined as an offence for which a person who has attained the age of twenty-one and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more.
16. A senior member of the police (of the rank of Superintendent or above) may apply for a summary review of a premises licence if the premises licence authorises the sale by retail of alcohol and that police officer provides a certificate stating that they are of the opinion that the premises are associated with serious crime and/or serious disorder.
17. The Licensing Authority must, within 24 hours (one working day) of receiving the application for summary review, display a prescribed notice of the review on the outside or adjacent the premises; the notice must remain on display for seven days and any person or the responsible authorities may make representations about the summary review in that period.
18. The Licensing Authority is then required, within 48 hours (two working days), to give notice of the review accompanied by the application and the certificate to the premises licence holder and the Responsible Authorities.
19. Within 48 hours of the receipt of the summary review application, the Licensing Authority is required to consider whether to take interim steps pending the determination of the review. The consideration of the interim steps can take place without notice to the premises licence holder
20. The Licensing Authority is required to hold a hearing to consider the summary review application within 28 days of receiving the application.
21. In considering the application for summary review, the sub-committee must have regard to the adopted Statement of Licensing Policy and evidence before it at the hearing.

22. The Licensing Act 2003 provides that, in determining an application for summary review, the sub-committee may take any (or none) of the following steps, as it considers necessary:
 - Modify the conditions of the licence;
 - Exclude a licensable activity from the scope of the licence;
 - Remove the designated premises supervisor;
 - Suspend the licence for a period not exceeding three months
 - Revoke the licence.
23. In considering the application for summary review, the sub-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 sub-committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.
24. The Licensing Act 2003 makes provision for appeal to the West Hampshire Magistrates' Court against the sub-committee's decision in relation to an application for summary review
25. The sub-committee must also consider whether it is necessary and proportionate for the interim step of suspension of the premises licence to continue pending any appeal against its determination of the summary review.
26. The effect of any determination by the sub-committee in respect of the summary review is suspended pending any appeal to the Magistrates' Court or, if an appeal is made, pending the determination of that appeal.
27. The sub-committee must also have regard to: -
28. *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.
29. *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 affect another's rights must be no more onerous than is necessary in a democratic society. The matters set out in this report must be considered in light of the above obligations

Appendices

1. Application for Summary Review, Certificate and Police representations
2. Premises Licence - Rhino
3. Notice of Summary Review
4. Interim Steps decision notice

Document is Confidential

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**Schedule 12
Part A
Premises Licence**

Regulation 33,34

Premises licence number 2014/00326/01SPRD

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description,

Rhino
 Waterloo Terrace
 Southampton
 SO15 2AL

Telephone number

Where the licence is time limited the dates

 Not applicable

Licensable activities authorised by the licence

 Live music
 Recorded music
 Performances of dance
 Anything similar to live music, recorded music or performances of dance
 Provision of late night refreshment
 Supply by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Live music	
Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:00
Saturday	10:00 - 00:00
Sunday	12:00 - 00:00

Recorded music

Monday	10:00 - 04:00
Tuesday	10:00 - 04:00
Wednesday	10:00 - 04:00
Thursday	10:00 - 04:00
Friday	10:00 - 04:00
Saturday	10:00 - 04:00
Sunday	12:00 - 04:00

Performances of dance

Monday	10:00 - 04:00
Tuesday	10:00 - 04:00
Wednesday	10:00 - 04:00
Thursday	10:00 - 04:00
Friday	10:00 - 04:00
Saturday	10:00 - 04:00
Sunday	12:00 - 04:00



Anything similar to live music, recorded music or performances of dance

Monday	10:00 - 02:00
Tuesday	10:00 - 02:00
Wednesday	10:00 - 02:00
Thursday	10:00 - 02:00
Friday	10:00 - 02:00
Saturday	10:00 - 02:00
Sunday	12:00 - 22:30



Provision of late night refreshment

Monday	23:00 - 03:30
Tuesday	23:00 - 03:30
Wednesday	23:00 - 03:30
Thursday	23:00 - 03:30
Friday	23:00 - 03:00
Saturday	23:00 - 03:00
Sunday	23:00 - 03:30



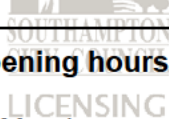
Supply by retail of alcohol

Monday	10:00 - 03:00
Tuesday	10:00 - 03:00
Wednesday	10:00 - 03:00
Thursday	10:00 - 03:00
Friday	10:00 - 03:00
Saturday	10:00 - 03:00
Sunday	12:00 - 03:00



The opening hours of the premises

Monday	10:00 - 04:00
Tuesday	10:00 - 04:00
Wednesday	10:00 - 04:00
Thursday	10:00 - 04:00
Friday	10:00 - 04:00
Saturday	10:00 - 04:00
Sunday	12:00 - 04:00



Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Robin Kenneth Bradley Felgate
Friarswood
Straight Mile
Ampfield
Romsey
Hampshire
SO51 9BA



Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Satbir Singh Giany



Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence Number: 2014/02055/02SPEN
Licensing Authority: Southampton City Council

This premises licence is issued by Southampton City Council as licensing authority under part 3 of the Licensing Act 2003 and regulations made thereunder

Dated this 30th day of January 2014

Head of Legal & Democratic Services

Licensing – Southampton City Council
Southampton & Eastleigh Licensing Partnership
PO Box 1767
Southampton
SO18 9LA

Annex 1 – Mandatory Conditions

- 1 No supply of alcohol shall be made under the premises licence:
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor for the premises does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3 (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 4 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 5 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistant by reason of a disability).
- 6 (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

7 The responsible person shall ensure that -

(a) where any of the following alcoholic drinks sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
- (iii) still wine in a glass: 125ml; and

(b) customers are made aware of the availability of these measures.

Annex 2 – Conditions consistent with the operating Schedule

1 CONDITIONS TRANSFERRED FROM THE PUBLIC MUSIC AND DANCING LICENCE

(a) ALTERATIONS

No structural or other alterations of the place licensed or of the facilities and equipment installed therein or of the means of exit there from shall be made without the licensee having submitted to the Licensing Authority detailed plans showing the proposed alterations and having received the Licensing Authority's written approval thereof.

(b) SANITARY CONVENIENCES

Adequate and separate sanitary conveniences shall be provided in the place licensed for persons of each sex to the satisfaction of the Licensing Authority. Such conveniences shall be available free of charge and shall at all times be kept in good order and repair, be properly and effectually cleansed, lighted, ventilated, disinfected and supplied with water and all proper requisites, and the doors leading thereto shall be suitably marked.

(c) REFRESHMENTS

If food or drink is provided in the place licensed for persons resorting thereto all arrangements for and areas in which preparation, storage and service of such refreshment takes or is to take place shall comply with the regulations for food hygiene prescribed by law and for the time being in force, shall be of adequate size, and shall be to the satisfaction of the Licensing Authority.

(d) REFUSE

No refuse, rubbish or waste paper shall be permitted to accumulate in any part of the place licensed.

(e) VENTILATION

All parts of the place licensed shall be suitably and sufficiently ventilated by natural or mechanical means to the satisfaction of the Licensing Authority.

(f) HYPNOSIS

(i) No exhibition, demonstration or performance of hypnotism (as defined in Section 6 of the Hypnotism Act, 1952) shall be given on any person in the place licensed except with the express consent of the Licensing Authority and in accordance with any conditions attached to such consent.

(ii) Application for consent to give an exhibition, demonstration or performance of hypnotism shall include a detailed description of the proposed exhibition and shall be made to the Licensing Authority not less than 21 days before the day on which the exhibition is to be given. Notice of the making of the application shall immediately be given to the Officer in Charge of the Police sub-division in which the place licensed is situate.

(g) MANAGEMENT

(i) A responsible person nominated in writing by the licensee shall be in charge of, and present in the place licensed during all such times as public entertainment is provided therein, or members of the public are present for that purpose.

(ii) During the whole time that public entertainment is provided in the place licensed persons in the employ of or at the direction of the licensee, trained in the routine to be followed in the case of fire or other emergency, shall be present in the place licensed. Advice on the training of such persons may be obtained from the Fire Authority.

(iii) All parts of the place licensed and fittings therein, in particular the seating, door fastenings, floor surfaces and coverings, notices, steps and staircases shall be maintained at all times in good order and condition, and safe, suitable and sufficient means of heating shall be provided, to the satisfaction of the Licensing Authority. The licensee shall, in complying with this condition, take all necessary precautions for the safety of persons frequenting the place licensed.

(h) GOOD ORDER

The licensee shall ensure that no person be admitted to or permitted to remain in the place licensed whilst in a state of intoxication. If any person in the place licensed shall act in a manner offensive to or to the nuisance or annoyance of any other persons he shall forthwith be removed from the place licensed. The licensee shall, if necessary, seek the assistance of the Police in accomplishing this, and shall inform the Police of any conduct likely to cause a breach of the peace.

(i) NUISANCE

No public music, dancing or entertainment of a like kind shall be permitted or suffered to take place in the place licensed which shall be a nuisance, annoyance or inconvenience to any occupant of the premises in which the place licensed is situate or to any occupant of any other premises.

(j) EMERGENCY TELEPHONES

If no telephone service is available in the place licensed there shall be displayed in a conspicuous place a notice giving particulars of the nearest telephone available in an emergency and details of how to summon the emergency services. Any outbreak of fire must, immediately on its discovery, be reported to the Fire Authority.

(k) FIRE FIGHTING EQUIPMENT

All fire fighting equipment provided in the place licensed shall be examined at least once annually. In particular portable fire extinguishers shall be so examined and tested by a competent person in accordance with British Standard Code of Practice 5306; Part 3, 1980. The date of such test shall be clearly marked on the extinguisher or on stout tabs attached thereto. The licensee shall produce, if required by the Licensing Authority a certificate stating that all fire fighting equipment has been so examined and tested.

(l) INFLAMMABLE MATERIALS

(i) Highly inflammable material must not be used in connection with any public entertainment provided in the place licensed unless it has been rendered fire retardant to the satisfaction of the Licensing Authority and is maintained in that condition. No naked flame shall be used in connection with any public entertainment provided in the place licensed except with the specific written consent of the Licensing Authority, and subject to any conditions attached to such consent.

(ii) No explosive, highly inflammable or combustible substance, whether solid or liquid, shall be brought into or used or without the written consent of the Licensing Authority and subject to any conditions attached to such consent.

(m) ELECTRICAL INSTALLATIONS AND INSPECTIONS

(i) Within one month of the Licensing Authority requiring an inspection to be carried out, the licensee shall, at his own expense, arrange for all the electrical installations in the place licensed to be inspected by a competent and qualified electrician and a certificate stating the condition of the installation shall, immediately after each inspection, be forwarded to the Licensing Authority by the licensee.

(ii) Any alterations or additions, whether permanent or temporary, to the electrical installations in the place licensed shall only be carried out by a competent and qualified electrician, and shall be in accordance with the Regulations for Electrical Equipment in Buildings (Institution of Electrical Engineers).

(iii) All electrical switches in connection with the lighting or heating of the place licensed shall be guarded or out of reach of persons resorting to the place licensed.

(n) CONSTRUCTION

(i) Wall and Ceiling Linings, Insulation, Treatment, etc. - Any material used as a wall or ceiling lining, or as a suspended ceiling, or for acoustic or thermal insulation purposes shall be to the Licensing Authority's satisfaction and shall be fixed and supported in such manner as may be approved by the Licensing Authority.

Note: For the purpose of this condition the Licensing Authority will normally require such material to be non-combustible or be rated Class 1 of the classification for surface spread of flame when tested in accordance with the appropriate provisions of B.S. 476; Part 7, 1971, and be throughout its thickness of no greater flammability than its surface. Certain other materials may, however, be accepted, subject to compliance with such conditions as the Licensing Authority may consider appropriate in the circumstances of the case.

(ii) Decorative Features and Finishings - Any fixed or permanent decorative feature shall be of such materials as would be permitted for wall or ceiling linings. Any decorative surface finishing, including any fabric, shall be either non-combustible, inherently non-flammable or durably flameproof except that wallpaper and similar thin surface finishing may be accepted provided that it is fixed firmly with an adhesive approved by the Licensing Authority.

(o) CEILINGS

If the Licensing Authority require, provision shall be made, to the Licensing Authority's satisfaction, for the examination from above of any suspended ceiling over such parts of the place licensed frequented by persons resorting thereto and thereto and such other parts of the premises as the Licensing Authority may deem necessary.

(p) SEATING AND GANGWAYS

Seating, tables and chairs and other furniture and fittings in the place licensed shall be so arranged as to allow free and ready access to the exits.

(q) LIGHTING

(i) Provision - All parts of the place licensed shall be provided with adequate means of illumination and, except where otherwise permitted in writing by the Licensing Authority, those parts to which the public have access and all routes of escape for performers or staff shall be provided with adequate means of illumination from two independent sources.

(ii) Standard of Illumination - The illumination from each source shall be sufficient to enable the public, performers and staff to see their way out of the place licensed in safety at any time, and shall not be derived from prepayment meters.

(iii) Segregation of the Two Systems of Lighting - Where two lighting systems are provided each shall be so installed that a fault or accident arising on one system shall not jeopardise the other.

(iv) Illumination of Exit Notices - The exit notices required by the following Condition shall be provided with adequate means of illumination from two independent sources. Where the general lighting may be dimmed or extinguished whilst the public are present in the place licensed the exit notices shall be internally illuminated and shall conform with B.S. 2560; 1978. The lighting points for the illumination of those exit notices which are not required to be internally illuminated shall be located in proximity to the notices.

(r) EXIT NOTICES

(i) Form and Position - All doors or openings approved as exits shall be clearly indicated (above the door where possible) by the word "EXIT" or the words "EMERGENCY EXIT". Where an exit or emergency exit is not immediately visible to members of the public supplementary "EXIT" or "EMERGENCY EXIT" signs and arrows shall be placed so as to indicate the location of the exit or emergency exit to the satisfaction of the Licensing Authority. All "EXIT" or "EMERGENCY EXIT" signs shall be in plain letters not less than 75 millimetres high and shall be between 2.0 and 2.5 metres above floor level. Unless otherwise permitted by the Licensing Authority, no other notice or wording shall be incorporated in, or form part of, an exit notice.

(ii) Doors other than Exits - Any door or opening, other than an exit, which leads to parts of the place licensed accessible to the public, shall have a conspicuous notice indicating the use of such parts. Any door not usable by the public shall be similarly indicated or shall be marked "PRIVATE". Notices bearing the words "NO EXIT" or "NO WAY OUT" shall not be provided.

(s) EXITS

(i) Doors and Fastenings - Unless otherwise permitted in writing by the Licensing Authority, exit doors and gates shall open in the direction of exit, and shall in all cases be free from fastenings other than panic bolts or such fastenings as may be approved by the Licensing Authority.

(ii) Exit Routes - All exit routes including passages, courts, ramps, gangways corridors and stairways, to which the public have access and which lead from the place licensed to the outside, shall at all times be kept free from obstruction.

(t) SPECIAL EFFECTS

No laser beam or other hazardous effect may be used in the place licensed without the prior written approval of the Licensing Authority. The licensee shall give at least 21 days' written notice to the Licensing Authority of such proposed use to allow adequate consideration.

(u) DOOR SUPERVISORS

All references in this licence to door supervisors shall mean door supervisors licensed pursuant to the Private Security Industry Act 2001 by the Security Industry Authority.

(v) The licensee shall ensure that all door supervisors engaging in licensable conduct (as defined in section 25 and paragraph 8 of schedule 2 of the Private Security Industry Act 2001) at the place licensed are licensed in accordance with the provisions of the Private Security Industry Act 2001.

(w) The Licensee(s) shall maintain a duty register giving details of every person at the place licensed engaging in licensable conduct, as defined in section 25 and paragraph 8 of schedule 2 of the Private Security Industry Act 2001, and the Licensee(s) shall immediately provide, on request by any authorised Officer of the Licensing Authority, Police Officer, or authorised Officer of the Security Industry Authority, the following details: -

(i) the licence number, name, date of birth and residential address of that person;

(ii) the time at which that person commenced that period of duty, with the signed acknowledgement of that person;

(iii) the time at which that person finished that duty that period of duty, with the signed acknowledgement of that person;

(iv) any times during the period of duty when the person was not on duty;

(v) if that person is not an employee of the Licensee(s), the name of the person by whom that person is employed or through whom the services of that person were engaged;

(vi) the duty register shall be so kept that it can be readily inspected by a authorised Officer of the Licensing Authority, Police Officer, or authorised Officer of the Security Industry Authority

(vii) the duty register shall comprise of a bound book with pages consecutively numbered and the Licensee(s) shall ensure that it is kept in a secure environment in order to prevent unauthorised access or alteration to the same.

2 Special Conditions transferred from the Public Music and Dance Certificate.

i - No more than 120 (one hundred and twenty) persons shall be present in the ground floor part of the place licensed and no more than 205 (two hundred and fifty) persons shall be present in the first floor part of the place licensed at any one time.

ii - Whilst persons are present in the place licensed during the hours of darkness, the main lights over the external escape stairway shall be illuminated.

iii - The sale of alcohol, the provision of late night refreshment and regulated entertainment be permitted on New Years Eve from 11.00 to 11.00 the following day.

3 12 Occasions

On no more than 12 occasions per calendar year (not including applications for up to 12 Temporary Event Notices per year) 10 days written notice will be provided to the Police and Licensing Authority of the intention to hold events outside of the operating times for these premises. This notification will include details of the event and arrangements put in place to control it. On any of these days the written consent of the police is required.

- 4 Drinks will be served in plastic glasses
- 5 EMBEDDED CONDITIONS FROM CHILDREN AND YOUNG PERSONS ACT 1933

It is a condition of your licence that you comply with the extant provisions of the Children and Young Persons Act 1933, as amended.

Annex 3 – Conditions attached after a hearing by the licensing authority

1 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 will be able to cope with strobe lighting (where used) 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 premises during operating hours to be able to provide viewable copies immediately to police on request when investigating allegations of offences or criminal activity. 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 Hampshire Western Police Licensing Unit within 24 hours.

ID Scanner

The provision upkeep and use of an ID scan system to scan all customers' identification upon entry during licensable hours. Acceptable forms of identification will be Passport, Photo Driving Licence, Military ID or Proof of Age Standards Scheme (PASS).

The system will scan the data page of the form of identification provided and check this against one of the recognised ID databases. This database may be accessed by regular update of the premises system from such database or by real-time access to the database server.

The checks carried out by the system will reveal if the scanned ID is not on the database and may therefore be false, will reveal the customer's age as evidenced by the ID, will reveal if the ID has expired, and will identify the IDs of persons who are subject to Drinks Banning Orders, local Pubwatch scheme bans or other similar initiatives (with such data being added to the database within 7 days of the ban).

There will be an exception for customers whose ID has been scanned and verified on a previous occasion and matched to their fingerprint. The ID of these customers may be verified on entry by means of a biometric fingerprint or magstripe reader.

Any breakdown or fault in the system must be notified to the Police immediately and the system rectified or replaced within 24 hours.

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.

Crime mapping

To provide crime mapping records on a monthly basis, highlighting areas of disorder within the premises and thereby assisting both the management and the door supervisors in the safe management of the premise to the reasonable satisfaction of Hampshire Constabulary. This must remain on the premises at all times and be accessible to police upon request.

Staff 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 records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.

In addition to their training a written test related to the training given will be conducted before the staff member is permitted to sell or authorise alcohol. The test will consist of a minimum of ten questions of which the pass rate is 80%. Anyone who fails to reach the prescribed pass rate will be retrained and re-tested. Anyone not attaining the pass rate will not be permitted to sell or authorise the sale of alcohol until the pass rate is attained. There will be a minimum of two sets of questions to be used in the training which will be rotated upon each subsequent six month training session.

All training records will be made immediately available for inspection by Hampshire Constabulary and any responsible Authority upon request. Training records will be kept for a minimum period of two years. Training records will be kept on the licensed premises to which they relate to.

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, HM Forces ID card 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.

Refusals book

A written log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the store manager/manageress.

The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.

The record of refusals will be retained for 12 months.

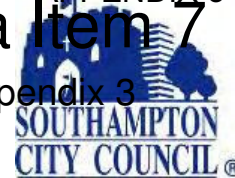
Additional Conditions

The DPS shall complete a nationally recognised Level 2 DPS course, if not already so attained, within 6 months of notification of the decision and any subsequent DPS shall attain such qualification within 6 months of appointment.

Last admission to the premises shall be at 02h30, 7 days a week, for patrons. For clarification, last admission does not include those who may exit or re-enter the premises due to the smoking legislation.



LICENSING ACT 2003



Section 53A – Summary Review

NOTICE OF REVIEW OF PREMISES LICENCE

Reference: 2014/00885/01SSRP

Rhino, Waterloo Terrace, Southampton SO15 9BA

Southampton City Council, as licensing authority, hereby gives notice that

Hampshire Constabulary

has applied for the summary review of the Premises Licence for the above premises under the Licensing Act 2003, on the following grounds:

In the opinion of a senior police officer the premises are associated with serious crime and serious disorder

by reason of alleged serious criminal offences committed at the premises involving the management of the business conducted there

The relevant licensing authority is Southampton City Council, and the statutory register, including the application for review, may be inspected on the City Council's web site at www.southampton.gov.uk/LA03register or at their offices at Civic Centre, Southampton SO14 7LY between 09:00 and 12:00 or between 14:00 and 16:00, Mondays to Fridays.

A responsible authority or any person, body or business likely to be affected may make representations about the application in writing to the Licensing Team, Southampton & Eastleigh Licensing Partnership, Southampton City Council, PO Box 1767, Southampton SO18 9LA, so as to be received by them between the **4 March 2014 and 11 March 2014**.

Any representation must relate to at least one of the licensing objectives. Frivolous or vexatious representations are likely to be rejected. Any valid representations will be notified to the licence holder and will be considered by the Licensing Authority.

Please note that it is an offence knowingly or recklessly to make a false statement in connection with an application and, on summary conviction for the offence, a person is liable to a fine not exceeding level five on the standard scale (currently £5,000).

Dated: 4 March 2014

Richard Ivory

Head of Legal and Democratic Services

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LICENSING (LICENSING AND GAMBLING) SUB – COMMITTEE
DECISION OF THE MEETING HELD ON 5 MARCH 2014
INTERIM STEPS PENDING REVIEW OF PREMISES LICENCE
RHINO, WATERLOO TERRACE, SOUTHAMPTON SO15 9BA

The Sub-Committee determined that the hearing should proceed with the press and public excluded and in the absence of the premises licence holder.

The Sub-Committee has considered very carefully what interim steps, if any should be taken pending the summary review of the premises licence for Rhino, Waterloo Terrace, Southampton SO15 9BA

It has given due regard to the provisions of the Licensing Act 2003, including the statutory licensing objectives, the statutory guidance and the City Council's adopted statement of licensing policy. Human rights legislation has been borne in mind.

The Sub-Committee has determined to suspend the premises licence for Rhino under section 53B of the Licensing Act 2003 pending consideration of the summary review of the premises licence at a later date.

Reasons

The Sub-Committee has considered very carefully the certificate of Superintendent Fulton and all the evidence submitted by the Police, both written and given orally today.

The Sub-Committee has considered all the options set out in section 53B of the Licensing Act 2003:

- modification of the current conditions of the premises licence
- exclusion of the sale of alcohol from the current permissions of the premises licence
- removal of the designated premises supervisor from the licence
- suspension of the licence.

The Sub-Committee considers that the alleged serious criminal offences and the likelihood of serious disorder at the premises involving persons concerned with the management of the premises, including the premises licence holder, make it necessary for the promotion of the licensing objectives to suspend the premises licence with immediate effect. The Sub-Committee has noted that the designated premises supervisor has removed himself from the licence under section 41 of the Licensing Act 2003.

There is a right under section 53B (6) of the Licensing Act 2003 for the premises licence holder to make representations against the interim steps to the Sub-Committee. There is no right of appeal for any party at this stage to the Magistrates' Court. All parties will receive written notification of the decision with reasons and that notification will set out the right of to make representations in full.

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