

Licensing (Licensing and Gambling) Sub-Committee

Wednesday, 19th February, 2020
at 4.00 pm

PLEASE NOTE TIME OF MEETING

Council Chamber - Civic Centre

This meeting is open to the public

Members

Three Members drawn from the Licensing Committee

Contacts

Democratic Support Officer
Pat Wood

Tel: 023 8083 2302

Email: pat.wood@southampton.gov.uk

Service Director - Transactions & Universal Services

Mitch Sanders

Tel: 023 8083 3613

Email: mitch.sanders@southampton.gov.uk

PUBLIC INFORMATION

The Members of the Licensing Committee are Councillors Mrs Blatchford, G Galton, B Harris, Kataria, McEwing, Noon, Prior, Renyard, Spicer, and Streets.

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:-

- Determination of applications for review of premises licences and club premises certificates;
- Determination of representations to applications for premises licences and club premises certificates, variations and various permits;
- Determination of police objections to applications for:
 - Variation of designated premises supervisors
 - Transfer of premises licences
 - Personal licences for the sale of alcohol
- Determination of objections to temporary event notices.

Relevant Representations

Those who have made relevant representations may address the meeting about the matter in which they have an interest. New matters, not raised within a written representation, can not be relied upon at the hearing.

When dealing with Licensing Act matters the Sub-Committee must 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 must 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

The Southampton City Council Strategy (2016-2020) is a key document and sets out the four key outcomes that make up our vision.

- Southampton has strong and sustainable economic growth
- Children and young people get a good start in life
- People in Southampton live safe, healthy, independent lives
- Southampton is an attractive modern City, where people are proud to live and work

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.

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

Mobile Telephones:- Please switch your mobile telephones to silent whilst in the meeting

Use of Social Media:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

Dates of Potential Meetings Municipal Year 2019/20

Meetings are scheduled on a weekly basis usually at 4pm on a Wednesday evening.

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 Licensing Act 2003 (Hearings) Regulations 2005 and the Council Procedure Rules as set out in Part 4 of the Constitution, so far as it is applicable.

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 of 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

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.

4 STATEMENT FROM THE CHAIR

5 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 1 - 4)

To approve and sign as a correct record the Minutes of the meeting held on 10 February 2020 and to deal with any matters arising, attached.

6 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.

7 OBJECTION BY HAMPSHIRE CONSTABULARY TO TEMPORARY EVENT NOTICE ON 23 FEBRUARY 2020 - O'NEILLS, 130-132 ABOVE BAR STREET, SOUTHAMPTON SO14 7DU (Pages 5 - 16)

Report detailing the objection by Hampshire Constabulary to Temporary Event Notice on 23 February 2020 in respect of O'Neills, 130-132 Above Bar Street, Southampton SO14 7DU, attached.

NOTE

These items are to be heard under the Licensing Act 2003. The Licensing Act 2003 (Hearings) Regulations 2005 require the hearing to be commenced no later than seven working days after the period in which the Police may object; the Regulations also require that no less than two working days' notice be given to the hearing.

For the avoidance of doubt, the provisions of the Licensing Act 2003 replace those of the Localism Act 2011 in respect of periods of notice and proceedings for the Licensing (Licensing and Gambling) Sub-Committee's business.

Tuesday, 11 February 2020

Service Director - Transactions and Universal
Services

SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 10 FEBRUARY 2020

Present: Councillors Mrs Blatchford, G Galton and Noon

39. **ELECTION OF CHAIR**

RESOLVED that Councillor Blatchford be elected as Chair for the purposes of this meeting.

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

RESOLVED that the minutes of the meeting held on 22 January 2020 be approved and signed as a correct record.

41. **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED that having applied the public interest test and in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 it was not appropriate to disclose this information due to the identification of individuals and sensitive details of an ongoing police investigation. Accordingly the press and public were excluded from the hearing.

42. **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

RESOLVED that the Sub-Committee 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 Category 4 of paragraph 10.4 of the Council's Access to Information Procedure Rules, would be invited to return immediately following that private session at which time the matter would be determined and the decision of the Sub-Committee announced.

43. **APPLICATION FOR SUMMARY REVIEW OF PREMISES LICENCE**

The Sub-Committee considered the report of the Service Director of Transactions and Universal Services for an application for a summary review of premises licence in respect of For Your Eyes Only, 135-136 High Street, Southampton SO14 2BR.

Thomas Evans, applicant's representative, Emily Irvins, Premises Licence Holder, PC Swallow and PC Scott, Hampshire Constabulary, Matthew Phipps, TLT solicitors and Mr Nicie's representative and Mr Nicie, Property Leaseholder and owner of For Your Eyes Only brand, 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 (Hearings) Regulations 2005.

RESOLVED that the premises be allowed to reopen with immediate effect subject to full compliance with conditions agreed between all the parties.

After private deliberation the Sub-Committee reconvened and the Chair read out the following decision:-

All parties will receive formal written confirmation of the decision and reasons.

The Sub-Committee determined that the hearing should proceed with the press and public excluded. This decision was made in accordance with the Licensing Act 2003 (Hearings) Regulations 2005. The papers contain allegations relating to criminal offences and personal details and it was determined that the public interest in doing so outweighed the public interest in the hearing in accordance with Regulation 14.

The Sub-Committee has considered very carefully the certificate of Superintendent Whiting, the application for summary review and the interim steps imposed at the previous Hearing. In addition, the representations by all the parties present at the hearing as well as written representations were also fully taken into consideration.

The application for summary review brought by the Police was supported by Mr Glenn Nicie. The Sub-Committee heard from PC Scott and PC Swallow for Hampshire Constabulary, Mr Evans and Emily Ivins for the Licence Holder and Mr Phipps for Mr Nicie.

Due regard has been given 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 also considered the interim steps taken on 14 January 2020 and whether they should continue.

In light of all of the above the Sub-Committee has determined to allow the premises to reopen with immediate effect subject to full compliance with the conditions agreed between all the parties. For clarity, those agreed conditions are set out as exhibits "EJ1", "EJ2" and "EJ3" attached to the statement of Emily Jane Ivins dated 7 February 2020 as far as they relate to this licence.

Reasons:

The Sub-Committee considered very carefully all of the options available to it in accordance with Section 53C of the Act.

The Sub-Committee noted that there had been a great deal of collaboration between all the parties to agree conditions. Hampshire Constabulary confirmed that on the basis that these conditions were fully complied with, their concerns regarding the crime and disorder licensing objective would be satisfactorily addressed. With this in mind there would be no objection to the premises reopening.

The Sub-Committee was reminded that paragraph 9.12 of the statutory guidance states that the police provide the main source of advice on the crime and disorder objective. As such the Sub-Committee agreed to follow the police advice and allow the premises to reopen with the agreed conditions in place.

The Sub-Committee reviewed the steps imposed at the interim steps hearing and has determined that the suspension should be removed.

The Sub-Committee makes it clear that in allowing the premises to reopen in full compliance with the agreed conditions, staff training will need to have been completed before reopening.

The Sub-Committee noted that the Premises Licence Holder through her representative undertook to apply immediately the proposed new conditions on the Sexual Entertainment Venue licence and to apply for a Variation as soon as practicable. This undertaking, together with the police advice, has enabled the Sub-Committee to allow the premises to reopen.

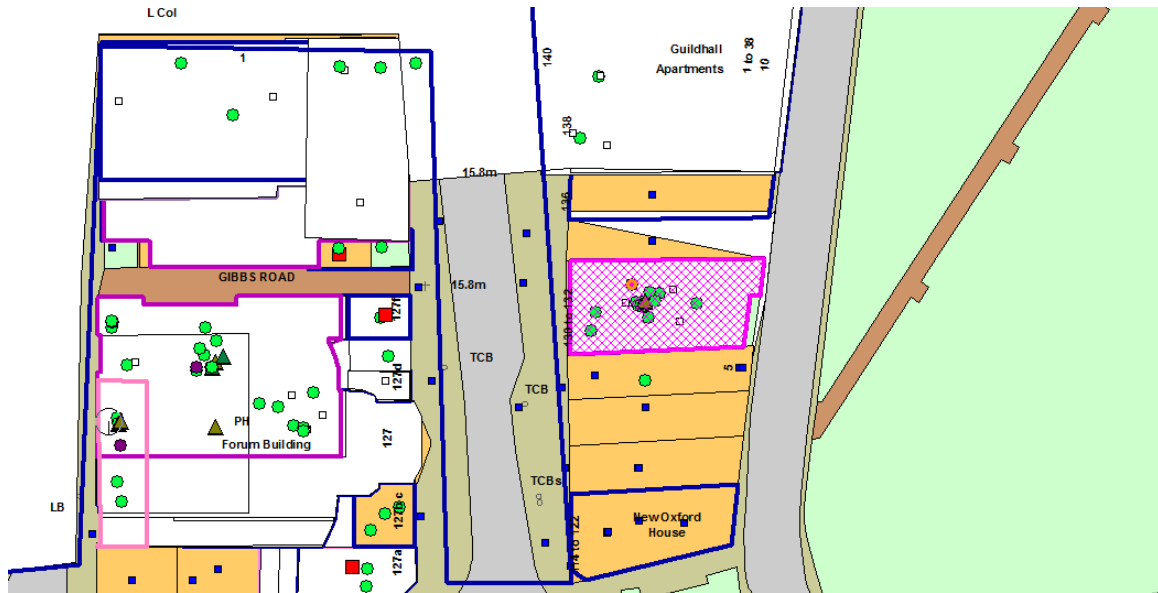
There is a right of appeal for any party to the Magistrates' Court. All parties will receive written notification of the decision with reasons which will set out that right in full.

This page is intentionally left blank



POLICE OBJECTION TO TEMPORARY EVENT NOTICE

Premises Name: **O’Neills**
 Premises Address: 130-132 Above Bar Street
 Temporary event dates: 23rd February 2020
 Notice Date: 07th February 2020
 Notice received on: **07 February 2020**
 Reference: **2020/06018/04STEN**



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Southampton City Council Ordnance Survey Licence No 100019679, 2004.

Objection from Police

Responsible Authority	Ground	Comments
Hampshire Constabulary – Southampton Licensing Unit	Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance	Police are of the opinion that the granting of this notice will undermine 3 Licensing Objectives

Legal Implications

1. Part 5 of the Licensing Act 2003 restricts objections to temporary event notices (TENs) to the Police. The Police may only object on the ground that they are satisfied that allowing the premises to be used in accordance with the notice would undermine the crime prevention objective.
2. In such circumstances, the Police must give an objection notice to the Council and the premises user stating the reasons why they are so satisfied within 48 hours of receiving the TEN from the premises user.
3. The Police and the premises user may agree modifications to the temporary event notice and the Police will then send the modified TEN to the premises user and a copy to the Council. The Police objection must then be treated as withdrawn.
4. Unless the premises user, Police and the Council agree that a hearing is unnecessary, or the TEN is modified as indicated above, the Council is then required to:

- a. hold a hearing to consider the objection notice, and
 - b. give the premises user a counter notice under section 105 of the Licensing Act 2003, if, having regard to the objection notice, the Council considers it necessary for the promotion of the crime prevention objective. Such counter notice would have the effect of cancelling the TEN.
5. The sub-committee may consider only the crime prevention objective in these circumstances; the other three objectives specified by the Licensing Act 2003 (public safety, the prevention of public nuisance and the protection of children from harm) may not be considered.
 6. Such a hearing must be concluded, and notice of the decision given to the premises user and the Police, no later than 24 hours before the temporary event is due to commence.
 7. The sub-committee, in considering the Police objection to the TEN, must have regard to the adopted Statement of Licensing Policy and evidence before it at the hearing.
 8. The Licensing Act 2003 does not make provision for any appeal against the sub-committee's decision to give, or not to give, a counter notice.
 9. In considering this application the sub-committee is 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.
 10. The sub-committee must also have regard to:-

11. *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.

12. *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 matters set out in this report must be considered in light of the above obligations.

13. *Equality Act 2010*

Section 149 of the Equality Act 2010 requires the Council to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act. It also requires the Council to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This means having due regard to the need to removing or minimising disadvantages suffered, taking steps to meet the needs of persons, encouraging persons to participate in public life, tackling prejudice and promoting understanding. The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation

Copies of the TEN and the Police objection are annexed to this report.

SOUTHAMPTON AND EASTLEIGH LICENSING PARTNERSHIP

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) _____
Surname	ASHBOLT
Forenames	KEVIN Charles
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) _____
Surname	
Forenames	
3. Your date of birth	
4. Your place of birth	
5. National Insurance Number	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
Post town	Postcode
7. Other contact details	
Telephone numbers	
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	
8. Alternative address for correspondence (if you complete the details below, we will use this address to correspond with you)	
Post town	Postcode

Received
On
- 7 FEB 2020
Southampton &
Eastleigh Licensing Partnership

9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	
2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
O'neils Southampton, 130-132 above Bar Street Southampton Hampshire SO14 7QU.	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	2019 / 04242 / OISPRM.
Club premises certificate number	+
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
X	
Please describe the nature of the premises below. (Please read note 4)	
Public House.	
Please describe the nature of the event below. (Please read note 5)	
Boxing Rematch Fury vs Wilder	
3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment (Please read note 7)	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 8)	<input type="checkbox"/>

Please state the dates on which you intend to use these premises for licensable activities.
(Please read note 9)

0300 - 0600 23-2-2020.

Please state the times during the event period that you propose to carry on licensable activities
(please give times in 24 hour clock). (Please read note 10)

0300 - 0600

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)

110

If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate).
(Please read note 12)

On the premises only

Off the premises only

Both

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)

Boxing is the entertainment.

4. Personal licence holders (Please read note 14)

Do you currently hold a valid personal licence?
(Please tick)

Yes

No

If "Yes" please provide the details of your personal licence below.

Issuing licensing authority

0A264 + WIGSTON

Licence number

OWP 50103.

Date of issue

27th June 2008.

Any further relevant details

5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes

No

If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year

1

Have you already given a temporary event notice for the same premises in which the event period:

Yes

No

a) ends 24 hours or less before; or

b) begins 24 hours or less after the event period proposed in this notice?

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.	↙	
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
7. Checklist (Please read note 17)		
I have: (Please tick the appropriate boxes, where applicable)		
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input type="checkbox"/>	
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>	
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>	
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>	
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>	
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>	
Made or enclosed payment of the fee for the application	<input type="checkbox"/>	
Signed the declaration in Section 9 below	<input type="checkbox"/>	

8. Condition (Please read note 18)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and

(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.

Signature

Date

7th February 2020.

Name of Person signing

Kevin Astbury

The Council is collecting this information in order to perform this service or function, and if further information is needed in order to do so, you may be contacted using the details provided.

In performing this service, the Council may be required to share your information with other organisations or departments, but it will only do so when it is necessary in order for the service to be provided.

The Council may also share your personal information for the purposes of the prevention, investigation, detection, or prosecution of criminal offences, but will not share your personal information, or use it for this, or any other purpose, unless provided for by law.

For more detail about how we handle your personal data please see our privacy policies:

For Southampton City Council applications: <http://www.southampton.gov.uk/privacy>

For Eastleigh Borough Council applications: <https://www.eastleigh.gov.uk/privacy>

For completion by the licensing authority**10. Acknowledgement (Please read note 20)**

I acknowledge receipt of this temporary event notice.

Signature

On behalf of the licensing authority

Date

Name of Officer signing

Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

Hampshire Constabulary is a responsible authority and wish to make a -objection- under the Licensing Act 2003, regarding the:

<input type="checkbox"/>	1: New Premises licence/club prem certificate	Representation within 28 days
<input type="checkbox"/>	2: Variation of premises licence/club prem certificate	Representation within 28 days
<input type="checkbox"/>	3: Minor variation of premises licence/club prem certificate	Representation within 10 days
<input type="checkbox"/>	4: Variation of DPS	Object within 14 days
<input type="checkbox"/>	5: Transfer of premises licence	Object within 14 days
<input checked="" type="checkbox"/>	6: Standard temporary event notice	Object within 3 working days
<input type="checkbox"/>	7: Late temporary event notice	Object with 3 working days
<input type="checkbox"/>	8: Application for a personal licence	Object within 14 days
<input type="checkbox"/>	9: Provisional statement	Representation within 28 days
<input type="checkbox"/>	10: Ancillary sales notice	Object within 3 working days
<input type="checkbox"/>	11: Interim authority notice	Object within 2 working days

Name of Applicant:	Kevin Ashbolt
Name of Proposed DPS:	N/A

Details of relevant conviction (Personal Licence Applications ONLY)
N/A

Postal address of premises:	O'Neills 130 - 132 Above Bar Street Southampton
Postcode:	SO14 7OU

Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:	PC
Surname: Swallow	First Names: Brian
Current postal address :	Neighbourhood Police Office Southampton City Council Civic Centre Southampton
Postcode:	SO14 7LY
Daytime telephone number:	
E-mail address: (optional)	

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

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

- | | | |
|---|-------------------------------------|--|
| 1) The prevention of crime and disorder | <input checked="" type="checkbox"/> | <i>Please select
one or more
boxes</i> |
| 2) Public safety | <input checked="" type="checkbox"/> | |
| 3) The prevention of public nuisance | <input checked="" type="checkbox"/> | |
| 4) The protection of children from harm | <input type="checkbox"/> | |

Please state the ground(s) for -objection-:

The notice has been served indicating that the premises will operate from 03:00 - 06:00 on 23rd February 2020, with the supply of alcohol, late night refreshment and regulated entertainment. The late notice describes the nature of the event as "Boxing rematch Fury vs Wilder.

This event is being screened from overseas so with the time difference it means that the fight may not finish till after 06:00. The event is being shown on the early hours of Sunday morning after a busy Saturday with Southampton Football Club hosting Aston Villa. O'Neill's is a, what we would call a "football pub" It benefits from an influx of home supporters both pre and post-match. This then leads into the Night time economy. The extension of hours will allow patrons to purchase and consume alcohol for several hours. They will become intoxicated, noisy, rowdy and boisterous. With the effects of alcohol and the sporting themes, bravado will be high and personal responsibility lowered.

The venue currently sits within one of Southampton's cumulative impact areas. That by its sheer definition, suffers from serious alcohol related anti-social behaviour and crime and disorder in a condensed geographical area (Above Bar). The council's statement of licensing policy (7.11) states consideration can be made in relation to cumulative impact caused from a temporary event notice. The venue does currently suffer from alcohol related incidents.

Most importantly, as nothing else is proffered upon the notice to detail what extra provisions are being under taken to ensure that the licensing objectives of the prevention of crime and disorder, public nuisance, and public safety are to be upheld.

I would have expected something along the lines of "additional SIA security will be employed until the terminal hour". In addition to details of the event being ticketed or by private invitation etc.

An extra two hours for 110 persons continuing to consume alcohol within this area with no additional provision or in fact a reduction or negation of all current premises licence conditions for the venue can but only lead to an increase in crime and disorder, public nuisance and give serious concern for public safety.

The police would normally consider that where an applicant has advised of a temporary notice to a venue that already benefits from a premises licence, and the police had sufficient concerns. A hearing could be heard to determine the matter and consideration be made to have the premises licence conditions for the venue attached to the TEN. Unfortunately the premises licence for tis venue does not have any suitable conditions that would negate the risk

The Chief Officer of police is of the opinion that the granting of this notice will undermine 3 licensing objectives

It is an offence, under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this representation

Police recommendations (including any conditions)

Issue Counter notice

Signature of Officer Completing

Name Brian Swallow

Collar Number: 2903

Signature: _____

Date: 12/2/20

Signature of Authorising Officer

Name Robert Cohen

Collar Number: 2849

Signature: _____

Date: 12/2/20

This page is intentionally left blank