

Reference: 2013/01711/01SPRD

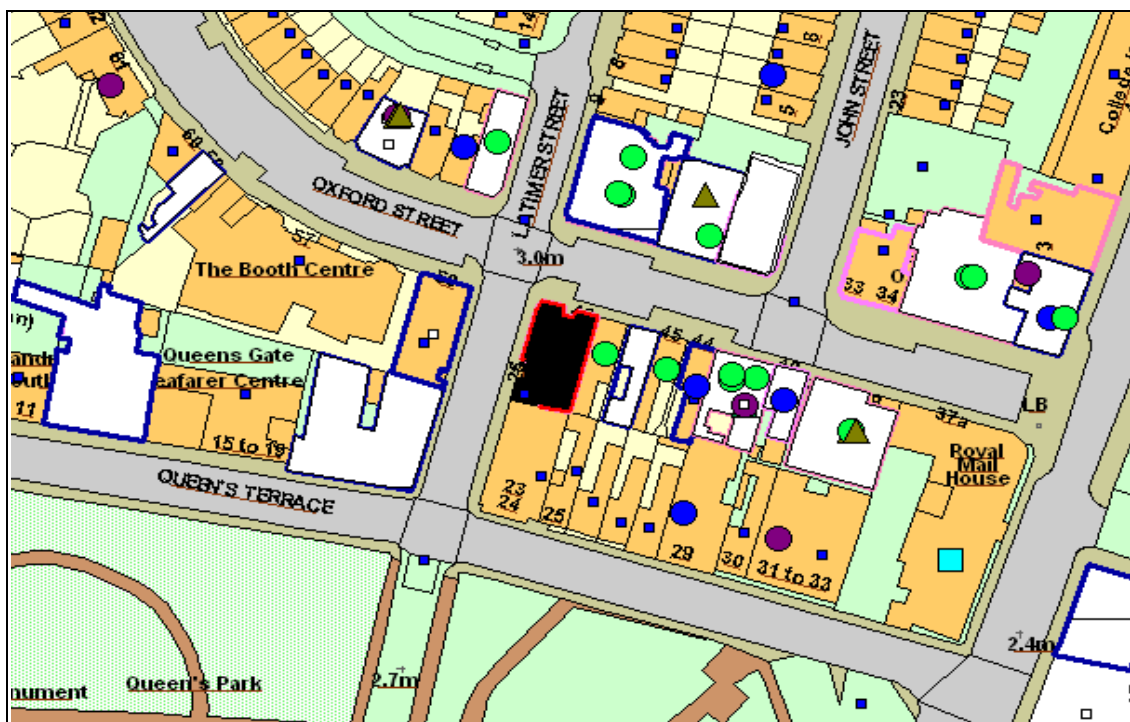
Hearing: **19<sup>th</sup> September 2013**

**Variation Application for Premises Licence - DPS Variation**

Premises Name: Chimichanga  
 Premises Address: 48-49 Oxford Street  
 Southampton  
 SO14 3DP

Application Date: 30th July 2013  
 Application Received Date: 5th August 2013

Application Valid Date: 5th August 2013



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***Representations From Responsible Authorities***

Responsible Authority	Satisfactory?	Comments
Police - Licensing	No	

## ***Legal Implications***

1. Where the Police give notice (stating that the Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective and stating their reasons) the authority must –
  - (a) hold a hearing to consider it, unless the authority, the applicant and the Chief Officer of Police who gave the notice agree that a hearing is unnecessary, and
  - (b) having regard to the notice, reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.
2. The decision making panel, in considering an application, must have regard to the notice, adopted Statement of Licensing Policy and any relevant representations of the applicant.
3. An applicant, whose application has been rejected, may appeal against the decision to the Magistrates' Court. Likewise the Chief Officer of Police may appeal against a decision to grant the application.
4. Where an application is granted or rejected, the relevant licensing authority must give a notice to that effect to –
  - (a) the applicant,
  - (b) the proposed individual and
  - (c) the Chief Officer of Police for the police area (or each police area) in which the premises are situated.

The notice must state the authority's reasons for granting or rejecting the application. Where the application is granted, the notice must specify the time when the variation takes effect.
5. In considering this application the panel 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 panel must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

The panel must also have regard to:-

6. *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.
7. *Human Rights Act 1998*  
The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of Proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affects another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records

I / We **PREZZO PLC**

*(full name(s) of premises licence holder)*

**being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003**

**Premises licence number**

**2013/00606/01SPRM**

**Part 1 - Premises details**

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

Chimichanga  
48-49 Oxford Street  
Southampton

SO14 3DP

**Telephone number (if any)**

#

**Description of premises (please read guidance note 1)**

Restaurant



**Part 2**

**Full name of proposed designated premises supervisor**

Gabor Komaromi

**Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)**

10993

London Borough of Havering

**Full name of existing designated premises supervisor (if any)**

David Dixon

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

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

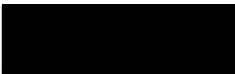
Please tick yes

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

**Part 3 - Signatures (please read guidance note 2)**

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 3). **If signing on behalf of the applicant please state in what capacity**

Signature  \_\_\_\_\_  
Date 30/07/13  
Capacity Financial Controller

**For joint applicants signature of 2nd applicant 2nd applicant's solicitor or other authorised agent** (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity**

Signature \_\_\_\_\_  
Date \_\_\_\_\_  
Capacity \_\_\_\_\_

**Contact name** (where not previously given) **and postal address for correspondence associated with this application** (please read guidance note 5)

Prezzo Plc  
Johnston House  
8 Johnston Road

<b>Post Town</b> Woodford Green	<b>Post Code</b> IG8 0XA
<b>Telephone number</b> (if any) 0845 6023257	
<b>If you would prefer us to correspond with you by e-mail your e-mail address</b> (optional)  <a href="mailto:office@prezzopl.co.uk">office@prezzopl.co.uk</a>	

# Consent of individual to being specified as premises supervisor

I Gabor Komaromi  
(full name of prospective premises supervisor)

of   
(home address of prospective premises supervisor)

hereby confirm that I give my consent to be specified as the designated supervisor in relation to the application for

Change of DPS  
(type of application)

by Prezzo Plc  
(name of applicant)

relating to a premises licence 2013/00606/01SPRM  
(number of existing licence , if any)

for Chimichanga  
48-49 Oxford Street  
Southampton

SO14 3DP

(name and address of premises to which the application relates)



and any premises licence to be granted or varied in respect of this application made by

Prezzo Plc  
(name of applicant)

concerning the supply of alcohol at

chimichanga  
48 Oxford Street  
Southampton  
SO14 3DP

\_\_\_\_\_  
(name and address of premises to which application relates)

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

10993  
(insert personal licence number, if any)

Personal licence issuing authority

London Borough of Havering  
(insert name address and telephone number of personal licence issuing authority, if any)

Signed \_\_\_\_\_  


Name (please print) GABOR KOVAROMI

Date 25/7/13





**New grant or variation of premises licence  
Or club premises certificate  
Form for representations from Hampshire Constabulary**

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

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

<input type="checkbox"/> 1: Grant for a personal licence	(Object within 14 days)
<input type="checkbox"/> 2: Grant for a temporary event notice (TEN)	(Object within 2 days)
<input type="checkbox"/> 3: Transfer of a premises licence	(Object within 14 days)
<input checked="" type="checkbox"/> 4: Variation of designated premises supervisor	(Object within 14 days)
<input type="checkbox"/> 5: Grant/Variation of a premises licence/club prem' certificate	(Object within 28 days)

Name of Applicant:	Chimichanga
Name of Proposed DPS:	Gabor Komaromi

Details of relevant conviction ( Personal Licence Applications ONLY)

Postal address of premises:	48-49 Oxford Street Southampton
Postcode:	SO14 3DP

**Details of responsible authority applicant**

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:	
Surname: Barrett	First Names: Samantha
Current postal address :	Southern Road Southampton
Postcode:	SO15 1AN
Daytime telephone number:	02380 674 768
E-mail address: (optional)	western.licensing@hampshire.pnn.police.uk

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





### New grant or variation of premises licence Or club premises certificate Form for representations from Hampshire Constabulary

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

- 1) The prevention of crime and disorder
- 2) Public safety
- 3) The prevention of public nuisance
- 4) The protection of children from harm

*Please select  
one or more  
boxes*

Please state the ground(s) for representation:

Hampshire Constabulary object to the application to vary the Designated Premises Supervisor (DPS) to Mr Gabor Komaromi at Chimichanga.  
 The objection is based on the prevention of crime and disorder objective under the Licensing Act 2003.  
 Mr Komaromi is currently named as the Designated Premises Supervisor at Chimichanga, Unit L4-L7, The Swan Centre, Eastleigh SO50 5SF.  
 The police do not believe that Mr Komaromi is in position to be in a day to day control and oversee serving of alcohol at both premises and ensure the licensing objectives are being promoted.

**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)

Signature of Officer Completing

Name SAMANTHA BARRETT  
 Signature:

Collar Number: 15527  
 Date: 21/08/2013

Signature of Authorising Officer

Name P. WOOD  
 Signature:

Collar Number: 2117  
 Date: 21/08/2013

