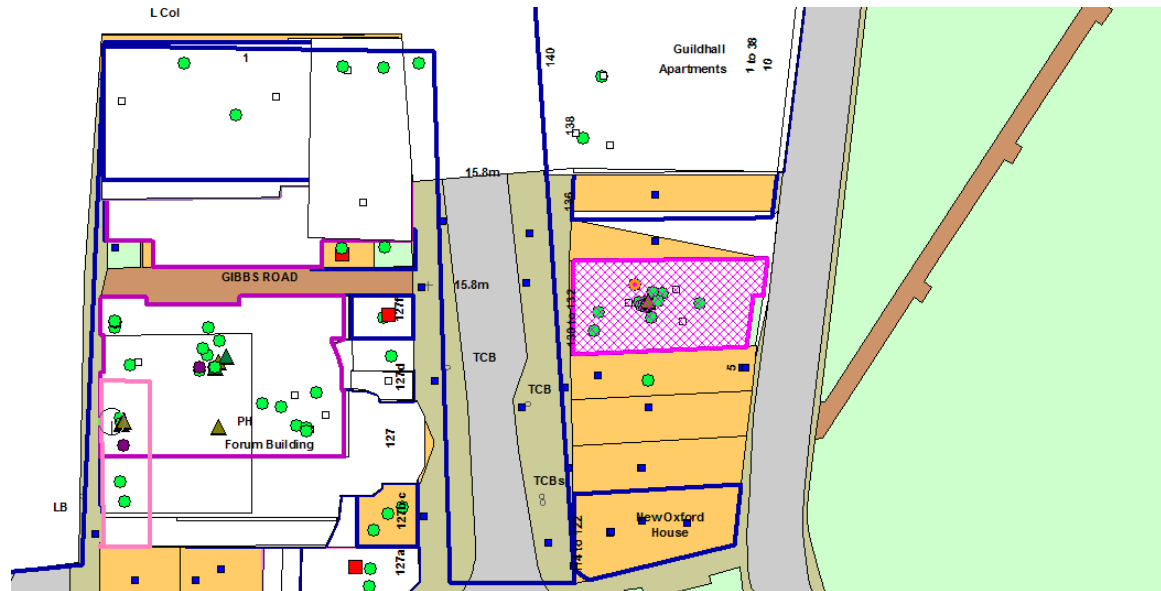


# LICENSING (ACT 2003) SUB-COMMITTEE

Wednesday 19<sup>th</sup> February 2020 16.00 hrs

## POLICE OBJECTION TO TEMPORARY EVENT NOTICE

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



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### 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 The Police objection must then be treated as withdrawn.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

<b>9. Alternative contact details (if applicable)</b>	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	
<b>2. The premises</b>	
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'neills 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	
<b>3. The licensable activities</b>	
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 + W105700

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?

<b>6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)</b>		
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"/>
<b>7. Checklist (Please read note 17)</b>		
<b>I have: (Please tick the appropriate boxes, where applicable)</b>		
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	
Date	
Name of Officer signing	

On behalf of the licensing authority



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<br/>one or more<br/>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