

# Licensing (Licensing and Gambling) Sub-Committee

Thursday, 25th February, 2021  
at 10.00 am

**PLEASE NOTE TIME OF MEETING**

Virtual Meeting

This meeting is open to the public

## **Members**

Three Members drawn from the Licensing Committee

## **Contacts**

Democratic Support Officer  
Maria McKay  
Email: [maria.mckay@southampton.gov.uk](mailto:maria.mckay@southampton.gov.uk)

Executive Director Communities, Culture & Homes  
Mary D'Arcy  
Tel: 023 8083 4611  
Email: [mary.d'arcy@southampton.gov.uk](mailto:mary.d'arcy@southampton.gov.uk)

## **PUBLIC INFORMATION**

The Members of the Licensing Committee are Councillors Bunday, G Galton, B Harris, Kataria, Laurent, McEwing, Noon, 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

Southampton: Corporate Plan 2020-2025 sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

**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 2020/21**

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 3 February 2021 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 **APPLICATION FOR REVIEW OF PREMISES LICENCE - BITTERNE PARK HOTEL, 2-4 COBDEN AVENUE, SOUTHAMPTON SO18 1FX** (Pages 5 - 42)

Wednesday, 17 February 2021

Executive Director Communities, Culture & Homes

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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 3 FEBRUARY 2021

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Present: Councillors Bunday, Galton and McEwing

39. **ELECTION OF CHAIR**

In accordance with S.14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005, the hearing was held using video conferencing and the public were able to view a live stream of the proceedings using a web link published on the council website. This was in the interest of public safety given the isolation restrictions imposed by the Prime Minister as a result of the public health risks due to the Coronavirus or Covid-19. As a result, the Council offices were closed to the public and this licensing sub-committee was held remotely with parties to the hearing participating by way of conference call.

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

40. **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

**RESOLVED** that none were noted.

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

**RESOLVED** that the minutes of the meeting held on 26 January 2021 be approved and signed as a correct record.

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. Following that private session, at which time the matter would be determined, written confirmation of the decision of the Sub-Committee would be distributed to all parties to the hearing.

43. **APPLICATION FOR A PREMISES LICENCE FOR AVENUE ROAD LOCAL, 92 AVENUE ROAD, SOUTHAMPTON SO14 6TX**

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

This hearing was held as a virtual meeting using Microsoft Teams and was streamed live online for the press and public to view via the Live Events platform.

The Sub-Committee considered very carefully the application for a premises licence at Avenue Road Local, 92 Avenue Road, Southampton SO14 6TX. It gave due regard to the Licensing Act 2003 and the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy.

The Sub-Committee considered the report of the Service Director - Communities, Culture and Homes.

The Sub-Committee considered the application as submitted, and heard representations from the objectors, and from Professor Light and Richard Baker, the applicant's representatives, who were supporting the application. The Applicant was unable to contribute as he was ill with Covid.

The Sub-Committee considered the representations, both written and given orally today, by all parties. The Human Rights Act 1998, The Equality Act 2010 and The Crime and Disorder Act 1998 Section 17 have been considered whilst making the decision.

It was noted that the application was amended by the provision and agreement by Hampshire Constabulary of proposed conditions as set out in the application report.

It was noted that no other responsible authority made representations.

The Sub-Committee were mindful of the strenuous objections and accepted that the objectors were able to provide evidence of issues in the locality.

However, the Sub-Committee noted that the objections related to issues at premises and surrounding areas which are not caused by a business operating on the site of these premises.

The Sub-Committee was also mindful that the legislation provides for a presumption of grant of a licence, unless there is evidence that the licensing objectives cannot be met by conditions.

## **RESOLVED**

In light of all the above the Sub-Committee determined that the application should be granted, subject to the conditions agreed with Hampshire Constabulary as set out in the application and with the slight variation to include the provision of a Guppy bin outside the shop.

The hours were granted as applied for as the statutory guidance makes it clear that they should match the shop opening hours.

### Reasons

The Sub-Committee considered very carefully all the representations objecting to the application.

It noted the strength of feeling and the concerns in respect of the licensing objectives that were raised.



The Sub-Committee discussed at some length the possible reduction of the hours for supply by retail of alcohol in the light of the concerns expressed by the representations.

The Sub-Committee also carefully considered the representations made on behalf of the applicant. In particular, it noted the fact that Hampshire Constabulary had agreed conditions with the applicant.

The Sub-Committee is nevertheless bound to comply with legislation and statutory guidance.

Weighing up all of the above, the Sub-Committee did not consider it would be appropriate or proportionate to refuse the application at this time on the basis of the evidence presented or to vary the hours.

Residents and local businesses can be reassured that where the grant of any application leads to an adverse impact upon the licensing objectives a review of the licence can be brought by them and appropriate steps taken at that time.

There is a right of appeal for all parties to the Magistrates' Court. Formal notification of the decision will set out that right in full.

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# Agenda Item 7

**DECISION-MAKER** LICENSING (LICENSING & GAMBLING) SUB COMMITTEE

**SUBJECT** HEARING TO CONSIDER AN APPLICATION FOR REVIEW OF A PREMISES LICENCE – **Bitterne Park Hotel 2 - 4 Cobden Avenue Southampton SO18 1FX**

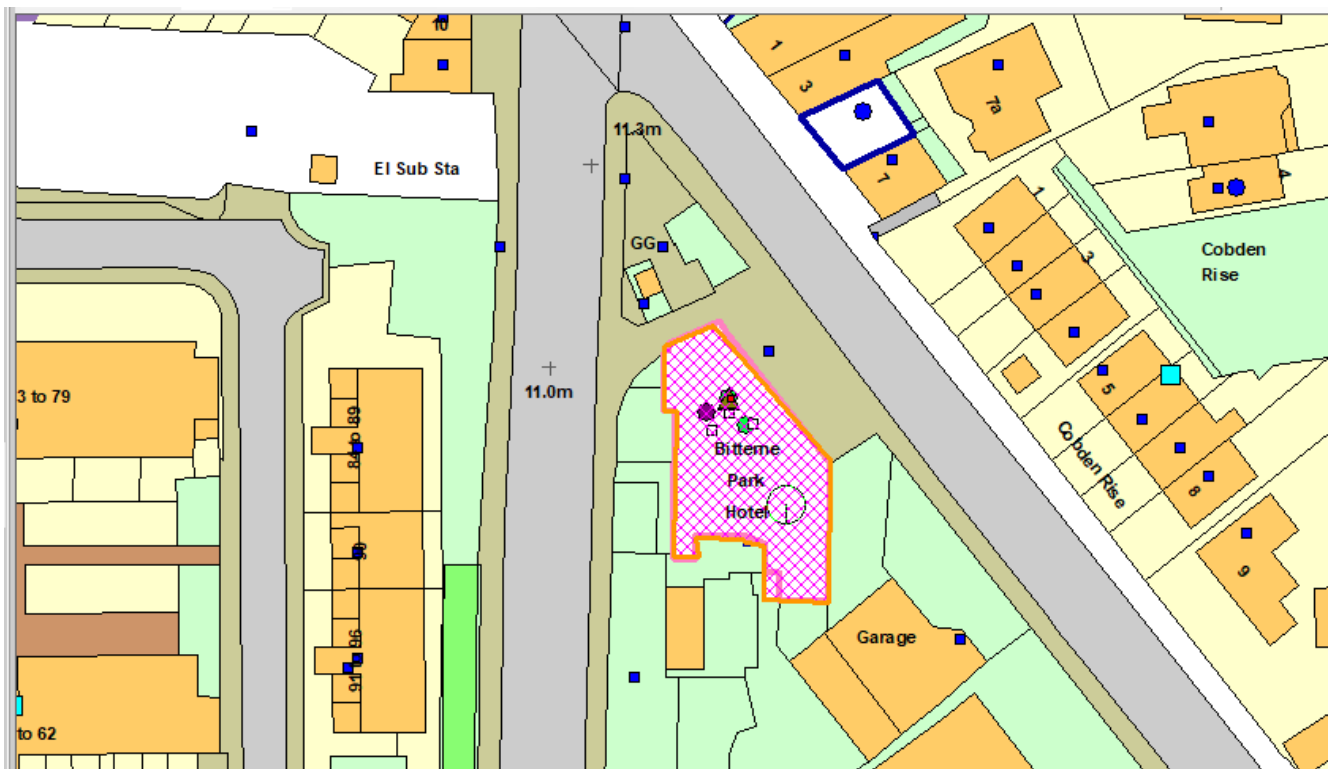
**DATE OF HEARING** Thursday 25<sup>th</sup> February 2021 at 10.00hrs (Online)

**REPORT OF** SERVICE DIRECTOR – COMMUNITIES,CULTURE AND HOMES

**E-mail** licensing@southampton.gov.uk

Application Date : 4th January 2021      Application Received 4th January 2021

Application Valid : 5th January 2021      Reference : **2021/00009/01SRAP**



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## ***Representations from Responsible Authorities***

| Responsible Authority                           | Satisfactory?     |
|---|-------------------|
| Safeguarding Children                           | No Response       |
| Fire Service                                    | No Response       |
| Environmental Health                            | Supporting Review |
| Home Office                                     | Yes               |
| Public Health Manager                           | Supporting Review |
| Planning & Sustainability - Development Control | No Response       |

|                              |                |                         |
|------------------------------|----------------|-------------------------|
| Police - Licensing           | Applicant      |                         |
| Trading Standards            | Yes            |                         |
|                              |                |                         |
| <b>Other Representations</b> |                |                         |
| <b>Name</b>                  | <b>Address</b> | <b>Contributor Type</b> |
|                              |                |                         |

## ***Legal Implications***

1. Part 3 of the Licensing Act 2003 provides that a responsible authority or any other person may apply for review of a premises licence.
2. In such circumstances, the applicant for the review must serve a copy of the review application on the holder of the premises licences, the licensing authority and each of the responsible authorities.
3. On receipt of an application for review, officers will consider its validity under delegated powers. Reasons for rejection, in whole or in part, include:
  - that the grounds for review are not relevant to one of more of the licensing objectives and;
  - that the application is frivolous, vexatious or repetitious, unless it is made by a responsible authority.
4. The licensing authority must display a prescribed notice of the review application on the outside or adjacent the premises, on the authority's website and at the Civic Centre; the notice must remain on display for 28 days and any interested party or the responsible authorities may make representations in that period.
5. The licensing authority is then required to hold a hearing to consider the review.
6. In doing so the sub-committee must give appropriate weight to:
  - the steps that are appropriate to promote the licensing objectives; the representations (including supporting information) presented by all the parties;
  - its own statement of licensing policy
  - the Statutory Guidance
7. In determining an application for review, the legislation provides that 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.

8. The Licensing Act 2003 provides for appeal to the Magistrates' Court against the sub-committee's decision in relation to an application for review by the premises licence holder and any other party who made a representation to the application.
9. In considering this application the sub-committee is obliged to consider the application in accordance, in particular, with both the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) 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:
  - **The Crime and Disorder Act 1998**  
Section 17 of the Crime and Disorder Act 1998 places the sub-committee 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.
  - **The 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 sub-committee 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 sub-committee 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 sub-committee 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.
11. Copies of the application for review and the representations to it are annexed to this report.

## **12. 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.*

## **SUMMARY**

|                                       |                 |
|---------------------------------------|-----------------|
| <b>Premises Licence Holder</b>        | RG Inns Ltd     |
| <b>Designated Premises Supervisor</b> | Gurvinder Singh |

The premises have held this licence since 17<sup>th</sup> May 2016. The application form in 2016 from Enterprise Inns, stated it was a public house. The previous licence held by RGAC Ltd. lapsed on 29<sup>th</sup> December 2015, when the company was dissolved.

The current licence was transferred to RG Inns Ltd on 4<sup>th</sup> October 2019. Mr Gurvinder Singh took over as the Designated Premises Supervisor on 19<sup>th</sup> December 2019.

### **Licensable Activities.**

|                        |               |
|------------------------|---------------|
| Films                  |               |
| Monday                 | 07:00 - 00:30 |
| Tuesday                | 07:00 - 00:30 |
| Wednesday              | 07:00 - 00:30 |
| Thursday               | 07:00 - 00:30 |
| Friday                 | 07:00 - 00:30 |
| Saturday               | 07:00 - 00:30 |
| Sunday                 | 07:00 - 00:30 |
| Indoor sporting events |               |
| Monday                 | 07:00 - 00:30 |
| Tuesday                | 07:00 - 00:30 |
| Wednesday              | 07:00 - 00:30 |
| Thursday               | 07:00 - 00:30 |
| Friday                 | 07:00 - 00:30 |
| Saturday               | 07:00 - 00:30 |
| Sunday                 | 07:00 - 00:30 |
| Live music             |               |
| Monday                 | 12:00 - 00:00 |
| Tuesday                | 12:00 - 00:00 |
| Wednesday              | 12:00 - 00:00 |
| Thursday               | 12:00 - 00:00 |
| Friday                 | 12:00 - 00:00 |
| Saturday               | 12:00 - 00:00 |
| Sunday                 | 12:00 - 00:00 |
| Recorded music         |               |
| Monday                 | 07:00 - 00:30 |
| Tuesday                | 07:00 - 00:30 |
| Wednesday              | 07:00 - 00:30 |
| Thursday               | 07:00 - 00:30 |
| Friday                 | 07:00 - 00:30 |
| Saturday               | 07:00 - 00:30 |
| Sunday                 | 07:00 - 00:30 |
| Performances of dance  |               |
| Monday                 | 12:00 - 00:00 |
| Tuesday                | 12:00 - 00:00 |
| Wednesday              | 12:00 - 00:00 |
| Thursday               | 12:00 - 00:00 |

|   |               |
|---|---------------|
| Friday  | 12:00 - 00:00 |
| Saturday  | 12:00 - 00:00 |
| Sunday  | 12:00 - 00:00 |
| Anything similar to live music, recorded music or performances of dance |               |
| Monday  | 12:00 - 00:00 |
| Tuesday   | 12:00 - 00:00 |
| Wednesday   | 12:00 - 00:00 |
| Thursday  | 12:00 - 00:00 |
| Friday  | 12:00 - 00:00 |
| Saturday  | 12:00 - 00:00 |
| Sunday  | 12:00 - 00:00 |
| Provision of late night refreshment                                     |               |
| Monday  | 23:00 - 00:30 |
| Tuesday   | 23:00 - 00:30 |
| Wednesday   | 23:00 - 00:30 |
| Thursday  | 23:00 - 00:30 |
| Friday  | 23:00 - 00:30 |
| Saturday  | 23:00 - 00:30 |
| Sunday  | 23:00 - 00:30 |
| Supply by retail of alcohol   |               |
| Monday  | 07:00 - 00:00 |
| Tuesday   | 07:00 - 00:00 |
| Wednesday   | 07:00 - 00:00 |
| Thursday  | 07:00 - 00:00 |
| Friday  | 07:00 - 00:00 |
| Saturday  | 07:00 - 00:00 |
| Sunday  | 07:00 - 00:00 |

**Conditions attached to current licence – excluding mandatory conditions.**

|  |  |
|--|--|
| <b>Annex 2 – Conditions consistent with the operating Schedule</b> |  |
| 1  | CCTV.  |
| a)   | 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 and all levels of illumination throughout the premises as well as outside areas. |
| b)   | CCTV warning signs to be fitted in public places.  |
| c)   | 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.  |
| d)   | 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.   |
| e)   | 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.   |

- f) 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.
- g) 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 downloaded onto a disc.
- h) In the event of technical failure of the CCTV equipment the DPS or Premises Manager MUST report the failure to the Hampshire Western Police Licensing Unit within 24 hours.

#### Incident book.

- a) 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.
- b) 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.

#### Refusals book.

- a) A written or electronic log shall be kept of all refusals including refusals to sell alcohol. The DPS shall ensure that the refusals log is checked, signed and dated on a weekly basis by the manager/manageress.
- b) 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.
- c) The record of refusals will be retained for 12 months.

#### Challenge 21.

- a) There will be a Challenge 21 policy operating at the premises. Challenge 21 means that the DPS shall ensure that every individual, who visually appears to be under 21 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.
- b) Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.
- c) 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.
- d) 'Challenge 21' posters shall be displayed in prominent positions at the premises.

#### Training.

- a) 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.
- b) Training records will be retained on site for the minimum of 2 years and made available to officers of the responsible authorities upon request.



**Toilet Checks.**

The DPS will ensure that regular toilet checks are conducted. Records shall be retained on site for a minimum of three months and made available to officers of the responsible authorities on request

**Outside Area.**

There will be no consumption of alcohol or any other drinks permitted in the outside area after 2300

**Notices.**

A notice will be displayed at each exit asking customers to leave quietly

**Live Music.**

All windows will be kept closed whenever live music is being played within the premises

**SIA door staff**

On every Friday, Saturday, on New Year's Eve and on special events evenings there shall be 2 SIA registered door staff from 20:00 hours to closing. At all times when the premises is open for licensable activities there shall be a risk assessment conducted as to whether it is necessary to employ SIA staff. Records of the risk assessments made will be kept for a minimum of 12 months.

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

1 None

The application for review relates to the licensing objectives of Crime and Disorder and Public Safety. On 24<sup>th</sup> December 2020 the premises were in breach of the Health Protection (Coronavirus, Restrictions) Regulations 2020. At this time Southampton was in Tier 2 of the regulations. This meant that licensed premises could only operate as a restaurant and alcohol was ancillary to any food sales. There was no household mixing and face masks had to be worn other than when seated. This included members of staff serving customers.

The Director of Public Health and the Environmental Health Dept are both supporting the police review.

Hampshire Constabulary have provided video evidence of the event.

*Application Form – Pages 8-12*

*Additional Evidence*

- 1. Statement PC Chris Sharland– Pages 13-14*
- 2. E-mail from PC Chris Sharland -Page 15*
- 3. CCTV Photos 19/12/2020 to 23/12/2020- Pages 16-20*

*Existing Premises Licence – Pages 21-29*

*Environmental Health Dept Supporting Review- Pages 30-31*

*Public Health Supporting Review- Pages 32-33*

*Hearing Procedure Notes – Pages 34-37*



# Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003

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

I PC Mark Hawley, on behalf of the Chief Officer of Hampshire Constabulary,  
*(Insert name of applicant)*

- Apply for the review of a premises licence.
- Apply for the review of a club premises certificate.  
*(Select as applicable)*
- Make a representation about a premises licence/club premises certificate

### Premises or Club Premises details

|                              |   |
|------------------------------|---|
| Postal address of premises:  | Bitterne Park Hotel<br>2-4 Cobden Avenue<br>Southampton |
| Postcode <i>(if known)</i> : | SO18 1FX  |

|  |
|--|
| Name of premises licence holder or club holding club premises certificate <i>(if known)</i><br>RG Inns Ltd |
|--|

|  |
|--|
| Number of premises licence or club premises certificate <i>(if known)</i><br>2019/07055/01SPRD |
|--|

### Details of responsible authority applicant

|  |  |
|--|--|
| Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank: |  |
| Surname: PC<br>Hawley  | First Names: Mark  |
| Current postal address :   | Southampton Central Police Station<br>Southern Road<br>Southampton |
| Postcode:  | SO15 1AN   |
| Daytime telephone number:  | ██████████   |
| E-mail address:<br><i>(optional)</i>   | ██                           |

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



**Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003**

**This application to review relates to the following licensing objective(s)**

*Select one or more boxes*

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

Please state the grounds for review which must be based on one or more of the licensing objectives together with supporting information:

This review is brought to the committee surrounding the licensing objectives of Crime & Disorder and Public Safety.

Police have attended the above mentioned premises on Thursday 24th December 2020 at 19:10hrs, following a report from a concerned member the public to Police, to check to see if the premises was open and operating within the regulations more commonly known at the time as The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020.

Regulations at the time stated:

- No person may participate in a gathering in a Tier 2 area which consists of more than 2 people and takes place indoors. (The general exemption to this is same or linked households)
- Restricted businesses must close (inc public houses) unless;
- A table meal is served, then, food or drink must be, ordered by, served to, a customer who is seated on the premises and, the person takes all reasonable steps to ensure the customer remains seated whilst consuming the food or drink on the premises
- Alcohol can only be supplied on the premises as part of a table meal, such as breakfast, the main midday meal or evening meal.
- Face masks must be worn at all times other than being seated by persons in a public house, this also includes members of staff that have facing roles with customers

Arriving at the premises and entering into the reception area it is clear that very loud noises and shouting/singing voices can be heard from behind a door marked "Staff Only" From personal knowledge, I know that this leads to the Bar area, the noise from the bar is so loud the attending officer remarks that this will clearly be a party and calls for back up even before witnessing with his own eyes what sits behind the door. Evidently the officer calls a mobile number on the wall in an attempt to speak with Staff prior to making an entry to the Bar room to negate any possible tension that may arise with his attendance. Staff soon arrive in the reception and are clearly worried, probably because they know what lies behind the door.



**Application for the review of / Representation in respect of a  
Premises licence or Club Premises certificate  
under the Licensing Act 2003**

After sometime the door is opened by a drunken customer. He argues with the officer as to the legitimacy of his presence and makes a ridiculous comment as to whether or not the officer has a warrant. At this point it is obvious that the pub clearly is being run by the drunken customers and not by any staff or management.

Eventually the Officer gains entry to the bar and is met with well in excess of 30 persons, the majority of which are drunk. They are also people sat at, what appears to be mixed household tables. Nobody is wearing a mask and I would very much challenge any suggestion that track and trace was being utilised.

In addition to the above points there was zero evidence of food having been or being served. Each table in turn was awash with empty glasses making it even more likely that no substantial meals had been supplied. There were 2 very large removable speakers (that are owned by customers) in use, Clearly this was an unlawful pre-arranged party. Would casual passers-by need to attend with their own speakers if they knew there is no system in place and that for the arranged party they need to provide their own music?

If things could not get any worse, the premises is self-stated to be owned by three brothers whom were in attendance and could actually be seen to be enjoying the event and drinking & possibly socialising with the guests.

After the officer informs Gurvinder Singh (DPS) that he will be fined for the incident, Mr Singh thanks the officer for his attendance, saying things have got out of hand as many more people arrived than first thought as it was supposed to be just 20 persons. No calls were made to the Police from any concerned party at the pub and it had clearly been going for some time as evidenced by full tables of glassware.

Staff and Police try and facilitate the egress of customers out of the premises but they are initially very obstructive and belligerent, so this takes some time and many more Police Officers. Eventually with the threat of individual fines looming the customers, even the most militant decide to leave.

The DPS states to the officer "Nothing you have said is wrong, I'm going to put my hands up" this is a clear admission of what is going on is wrong and against regulations.

These regulations were put in place following a national lockdown to support the re-opening of businesses that were forced to close, there are easy to follow guidelines in how to operate to keep themselves, their staff and customers safe. I saw no person whether it be customer or staff wearing a face mask or challenging the non-wearing of the masks, no wonder that Southampton is now within Tier 4, this was a blatant disregard for the law.

I have to add that I have attended personally to investigate unrelated matters of safeguarding and found myself at that time offering guidance and diligence to Jugtar LANDA (joint owner) who was present on this evening on how to fail safe his business and operate the pub side within guidelines in place at the time (29/10/20).



### Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003

I am shocked to find a venue 9 months into the pandemic so far off the mark, there have been numerous other breaches published in local newspapers in a further attempt to educate other local businesses, I only hope that once this has fully sunk in, the owners and operators of the premises truly understand the gravity of their failure.

Taking into account this premises forms both a Hotel and Pub, it holds a very important status within the community. It should be run with the highest of standards and it saddens me to say that it clearly does not. Customers of the Hotel are more often than not allowed to run amok, there is zero control over the guests and previously Police have located drug paraphernalia in rooms vacated by persons under 18. This is a venue that needs strong leadership and management but at the current time it clearly lacks this, safeguarding at this venue is not even an afterthought.

This review is sought because of the lack or adherence to the regulations in place, there is no excuse for this, both departments, Licensing and Local Neighbourhood Teams have attended and offered advice numerous times and this clearly has been thrown to the side with the issue of taking money in having taking precedence no matter how this is achieved. Thankfully, this occasion has not seen the increase of criminal behaviour, assaults and or reckless criminal damage being committed which frankly is quite often seen in drunken crowds this big once the party spilled out into the surrounding streets.

There are numerous conditions already on the license and I see no further ones that I could suggest that would increase adherence to the regulations, it is therefore why I seek revocation of the licence.

Have you made an application for review relating to these premises before:  Yes |  No

If yes please state the date of that application: / /  
Day Month Year

If you have made representations before relating to this premises please state what they were

**Please tick**

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

I have sent a copy of this representation to the principal licensing officer of Southampton City Council



**Application for the review of / Representation in respect of a  
Premises licence or Club Premises certificate  
under the Licensing Act 2003**

Page 5 of 5

**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**

Signature of Officer Completing

|            |                    |                |                   |
|------------|--------------------|----------------|-------------------|
| Name       | <u>Mark HAWLEY</u> | Collar Number: | <u>25491</u>      |
| Signature: | <u>[REDACTED]</u>  | Date:          | <u>04/01/2021</u> |

Signature of Authorising Officer (Inspector or above)

|            |                     |                |                   |
|------------|---------------------|----------------|-------------------|
| Name       | <u>Robert Cohen</u> | Collar Number: | <u>2849</u>       |
| Signature: | <u>[REDACTED]</u>   | Date:          | <u>04/01/2021</u> |

## MG11 WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B

|   |                 |             |  |
|---|-----------------|-------------|--|
| Occurrence Number:  | 44200495171     | URN:        |  |
| Statement of:   | SHARLAND, CHRIS |             |  |
| Age:  |                 | Occupation: |  |
| This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true. |                 |             |  |

I am Police Sergeant 27025 SHARLAND and I am giving this statement in relation to my attendance at the BITTERNE PARK HOTEL, COBDEN AVENUE, SOUTHAMPTON.

In this statement I will mention two males who I have the details of after they identified themselves as owning the premises. The first was Jugtar LANDA. The other male is Gurvinder SINGH. Both males stated they were owners and were brothers. I will refer to both parties by their surnames throughout. SINGH did state that he held the licence for the premises.

On THURSDAY 24TH DECEMBER 2020 at approximately 18:30 I was made aware of a potential Coronavirus regulation breach occurring at the BITTERNE PARK HOTEL. I was on duty at this time and in full uniform. I was using call sign SNS12. I deployed by myself to the location as I had been here before and previous dealings at the premises was that it was primarily run as a hotel.

I arrived at approximately 19:10, having been there before I went to the rear of the premises where I know there is the entrance to the hotel part. Ongoing into the hotel reception area, I could hear loud music and shouting coming from behind a door which said 'STAFF ONLY' on it. I called the mobile number on the wall for the reception staff. I was met by a male who came down and he explained there were multiple people in the bar area of the pub. He said that he looks after the hotel and has no involvement in the bar area. He stated that he believed the group were 30-40 in number and the owners were inside.

I remained talking to this male until I could get further units to attend and assist with preventing a breach of the peace. At approximately 19:14, the door to the bar area, which had the 'STAFF ONLY' sign on it opened and I was greeted by a male inside and I could see lots of people in the bar area. Another group came through the side door and wanted to go into the bar area. I asked them to remain in situ before asking for the owner to come out and see me. I wanted to speak to the owner as I did not know whether they were still a licensed premises despite conducting licensable activities. I walked in with the owner, LANDA and he took me around behind the bar and showed me the premises licence. On entry to the bar area I could see approximately 40 people, I did start counting the people present. The people were sat on a number of tables with people drinking alcohol. There were no signs of any foods, music was present and people were not all seated at the tables. To me this was not being run like a restaurant and more like a pub with no food. There were no persons present wearing masks and the staff were not wearing masks either. At this point I advised that all parties needed to leave as I believed this was a breach of Coronavirus regulations. Officers who attended assisted in asking people to leave the premises. This took approximately 40 minutes or so from my arrival.

I had been speaking with both LANDA and SINGH who both appeared to understand what they had done was wrong. SINGH had told me that they were only expecting 20 people and a lot more attended. He was glad that we attended to assist in asking them all to leave. Based on the number of people present and the understanding of the regulations, I made the decision to report the owner for breaching the regulations.

At approximately 19:52 I reported LANDA for a breach of Coronavirus regulations. He was now cautioned. He was advised that he would be informed of what the outcome would be in relation to an FPN.

---

I left the premises with only LANDA, SINGH and two other males in the bar area who all stated they worked/owned there.

I had my Body Worn Video on during my attendance. I will produce this as CS/BPH/01 - BWV FROM BITTERNE PARK HOTEL

| Signature of Witness |                     | Signature Witnessed By |  |
|----------------------|---------------------|------------------------|--|
| Name:                | #27025 SHARLAND, C. | Name:                  |  |
| Signed Time:         | 26/12/2020 16:16    | Signed Time:           |  |



**Coulson, Elaine**

---

**From:** Sharland, Chris [REDACTED]  
**Sent:** 17 January 2021 23:06  
**To:** Hawley, Mark,25491  
**Subject:** BPH

Hope you are well,

Update from BPH – CCTV issues – they have not managed to retrieve the footage from 19/12 – they use a cloud based company based in Romsey that would need to download and he has not managed to get this actioned as they have not responded to him.

I have asked him for the bar CCTV from the 24/12 (albeit my BWV shows the breach), we will see if we get that.

In conclusion he is naïve to how to run that place (as we have previously discussed), I read bits off the licence to him reference his CCTV requirements and the fact he was not conforming with the licence by not getting the CCTV etc. He was asked if he knew about the CCTV conditions and surprise surprise he didn't know about them.

Let me know if you need anything else to help with the licensing review.

Kind Regards

Chris

**Police Sergeant Chris Sharland 27025**  
**Southampton North NPT**  
Portswood Police Station,  
St Denys Road, Southampton SO17 2GN  
[REDACTED]  
[REDACTED]  
Email: [REDACTED]  
Website: [www.hampshire.police.uk](http://www.hampshire.police.uk)



Today

Edit

12:39



Bitterne Park-Camera 02



< 2020-12-19 >

20:00:46



Event Playback >





# Local Video



< 2020-12-20 >

19:36:23



## Event Playback





# Local Video



< 2020-12-21 >

20:58:31



## Event Playback





# Local Video



< 2020-12-22 >

20:01:08



## Event Playback





# Local Video

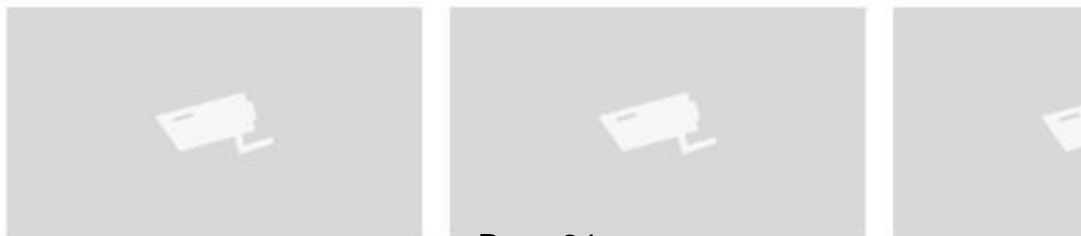


< 2020-12-23 >

20:00:46



## Event Playback >





**Schedule 12  
Part A  
Premises Licence**

Regulation 33,34

|                                |                   |
|--------------------------------|-------------------|
| <b>Premises licence number</b> | 2019/07055/01SPRD |
|--------------------------------|-------------------|

**Part 1 – Premises details**

|  |  |
|--|--|
| <b>Postal address of premises, or if none, ordnance survey map reference or description,</b> |  |
| <b>Bitterne Park Hotel</b><br>2 - 4 Cobden Avenue<br>Southampton<br>SO18 1FX                 |  |

|                         |  |
|-------------------------|--|
| <b>Telephone number</b> |  |
|-------------------------|--|

|  |  |
|--|--|
| <b>Where the licence is time limited the dates</b> |  |
| Not applicable                                     |  |

|   |  |
|---|--|
| <b>Licensable activities authorised by the licence</b>  |  |
| Films<br>Indoor sporting events<br>Live music<br>Recorded music<br>Performances of dance<br>Anything similar to live music, recorded music or performances of dance<br>Provision of late night refreshment<br>Supply by retail of alcohol |  |

|   |               |
|---|---------------|
| <b>The times the licence authorises the carrying out of licensable activities</b> |               |
| Films   |               |
| Monday  | 07:00 - 00:30 |
| Tuesday   | 07:00 - 00:30 |
| Wednesday   | 07:00 - 00:30 |
| Thursday  | 07:00 - 00:30 |
| Friday  | 07:00 - 00:30 |
| Saturday  | 07:00 - 00:30 |
| Sunday  | 07:00 - 00:30 |

Indoor sporting events

|           |               |
|-----------|---------------|
| Monday    | 07:00 - 00:30 |
| Tuesday   | 07:00 - 00:30 |
| Wednesday | 07:00 - 00:30 |
| Thursday  | 07:00 - 00:30 |
| Friday    | 07:00 - 00:30 |
| Saturday  | 07:00 - 00:30 |
| Sunday    | 07:00 - 00:30 |

Live music

|           |               |
|-----------|---------------|
| Monday    | 12:00 - 00:00 |
| Tuesday   | 12:00 - 00:00 |
| Wednesday | 12:00 - 00:00 |
| Thursday  | 12:00 - 00:00 |
| Friday    | 12:00 - 00:00 |
| Saturday  | 12:00 - 00:00 |
| Sunday    | 12:00 - 00:00 |

Recorded music

|           |               |
|-----------|---------------|
| Monday    | 07:00 - 00:30 |
| Tuesday   | 07:00 - 00:30 |
| Wednesday | 07:00 - 00:30 |
| Thursday  | 07:00 - 00:30 |
| Friday    | 07:00 - 00:30 |
| Saturday  | 07:00 - 00:30 |
| Sunday    | 07:00 - 00:30 |

Performances of dance

|           |               |
|-----------|---------------|
| Monday    | 12:00 - 00:00 |
| Tuesday   | 12:00 - 00:00 |
| Wednesday | 12:00 - 00:00 |
| Thursday  | 12:00 - 00:00 |
| Friday    | 12:00 - 00:00 |
| Saturday  | 12:00 - 00:00 |
| Sunday    | 12:00 - 00:00 |

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

|           |               |
|-----------|---------------|
| Monday    | 12:00 - 00:00 |
| Tuesday   | 12:00 - 00:00 |
| Wednesday | 12:00 - 00:00 |
| Thursday  | 12:00 - 00:00 |
| Friday    | 12:00 - 00:00 |
| Saturday  | 12:00 - 00:00 |
| Sunday    | 12:00 - 00:00 |

Provision of late night refreshment

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

Supply by retail of alcohol

|           |               |
|-----------|---------------|
| Monday    | 07:00 - 00:00 |
| Tuesday   | 07:00 - 00:00 |
| Wednesday | 07:00 - 00:00 |
| Thursday  | 07:00 - 00:00 |
| Friday    | 07:00 - 00:00 |
| Saturday  | 07:00 - 00:00 |
| Sunday    | 07:00 - 00:00 |



**The opening hours of the premises**

|           |               |
|-----------|---------------|
| Monday    | 07:00 - 00:30 |
| Tuesday   | 07:00 - 00:30 |
| Wednesday | 07:00 - 00:30 |
| Thursday  | 07:00 - 00:30 |
| Friday    | 07:00 - 00:30 |
| Saturday  | 07:00 - 00:30 |
| Sunday    | 07:00 - 00:30 |

**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**

RG Inns Ltd  
Justa House  
204-208 Holbrook Lane  
Coventry  
CV6 4DD

Electronic Mail [REDACTED]

Electronic Mail [REDACTED]

Electronic Mail [REDACTED]

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

12216781

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

Gurvinder Singh  
[REDACTED]  
[REDACTED]

**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: 2019/01625/06EPEN  
Licensing Authority: Eastleigh Borough 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 19th day of December 2019;



**Licensing Manager**  
Southampton & Eastleigh Licensing Partnership  
PO Box 1767  
Southampton  
SO18 9LA



NG



NG



NG



NG



NG

## 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 (1) The responsible person must 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

(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 in a manner which carries a significant risk of undermining a licensing objective;

(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 in a manner which carries a significant risk of undermining a licensing objective;

(d) 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;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

3 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

4 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5 The admission of children to films exhibited at the licensed premises is restricted in accordance with section 20 of the Licensing Act 2003.

6 The responsible person must ensure that

(a) where any of the following alcoholic drinks is 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: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

8 1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2 For the purposes of the condition set out in paragraph 1 —

- (a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) 'permitted price' is the price found by applying the formula —

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence —
  - (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) 'value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

3 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ('the first day') would be different from the permitted price on the next day ('the second day') as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

9 Where any condition of this licence requires that, at specified times, one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority, unless the Private Security Industry Act 2001 does not require them to be so licensed.

## **Annex 2 – Conditions consistent with the operating Schedule**

1 CCTV.

- a) 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 and all levels of illumination throughout the premises as well as outside areas.
- b) CCTV warning signs to be fitted in public places.
- c) 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.
- d) 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.
- e) 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.

- f) 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.
- g) 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 downloaded onto a disc.
- h) In the event of technical failure of the CCTV equipment the DPS or Premises Manager MUST report the failure to the Hampshire Western Police Licensing Unit within 24 hours.

#### Incident book.

- a) 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.
- b) 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.

#### Refusals book.

- a) A written or electronic log shall be kept of all refusals including refusals to sell alcohol. The DPS shall ensure that the refusals log is checked, signed and dated on a weekly basis by the manager/manageress.
- b) 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.
- c) The record of refusals will be retained for 12 months.

#### Challenge 21.

- a) There will be a Challenge 21 policy operating at the premises. Challenge 21 means that the DPS shall ensure that every individual, who visually appears to be under 21 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.
- b) Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.
- c) 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.
- d) 'Challenge 21' posters shall be displayed in prominent positions at the premises.

#### Training.

- a) 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.
- b) Training records will be retained on site for the minimum of 2 years and made available to officers of the responsible authorities upon request.

#### Toilet Checks.

The DPS will ensure that regular toilet checks are conducted. Records shall be retained on site for a minimum of three months and made available to officers of the responsible authorities on request

#### Outside Area.

There will be no consumption of alcohol or any other drinks permitted in the outside area after 2300

#### Notices.

A notice will be displayed at each exit asking customers to leave quietly

#### Live Music.

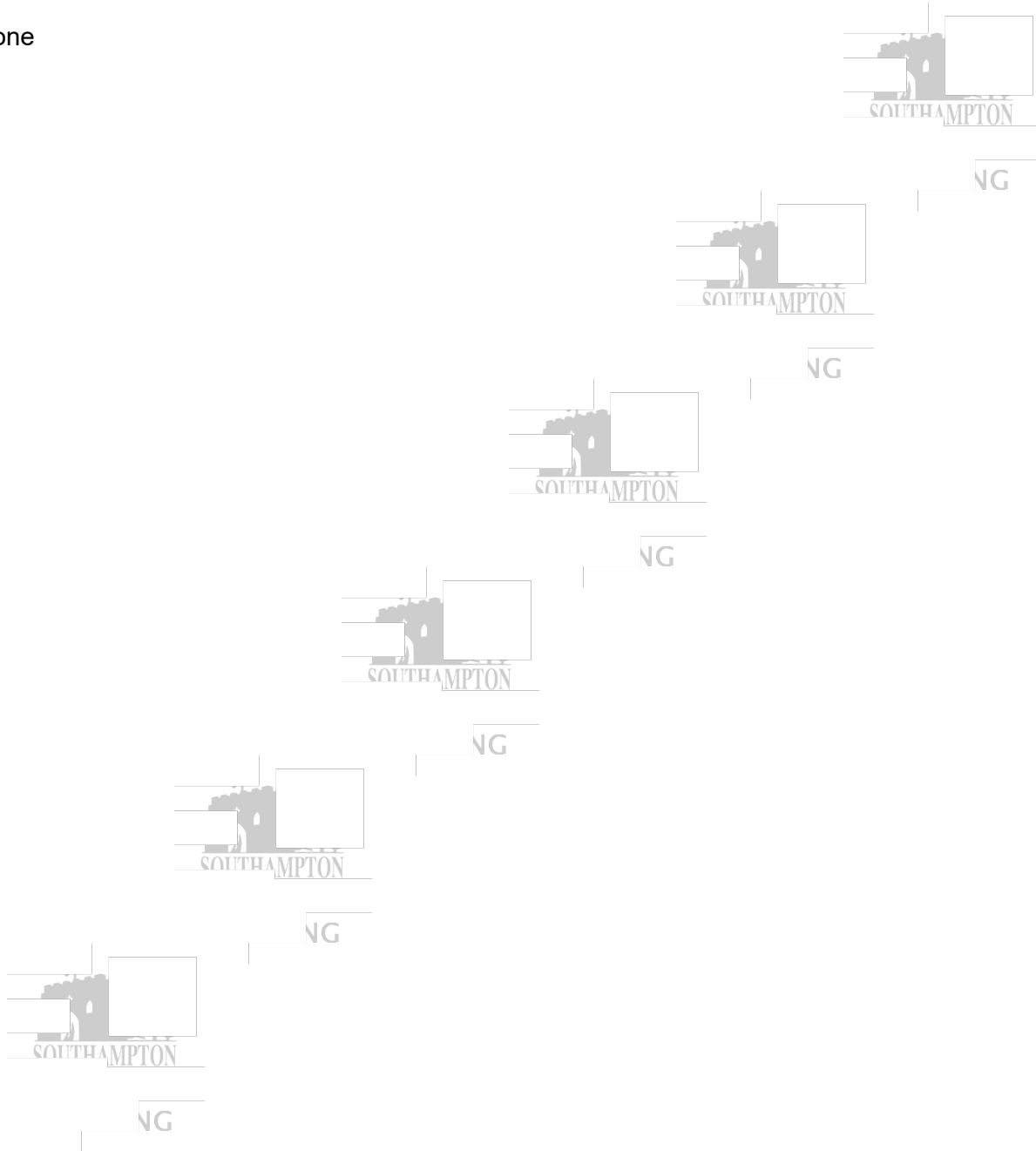
All windows will be kept closed whenever live music is being played within the premises

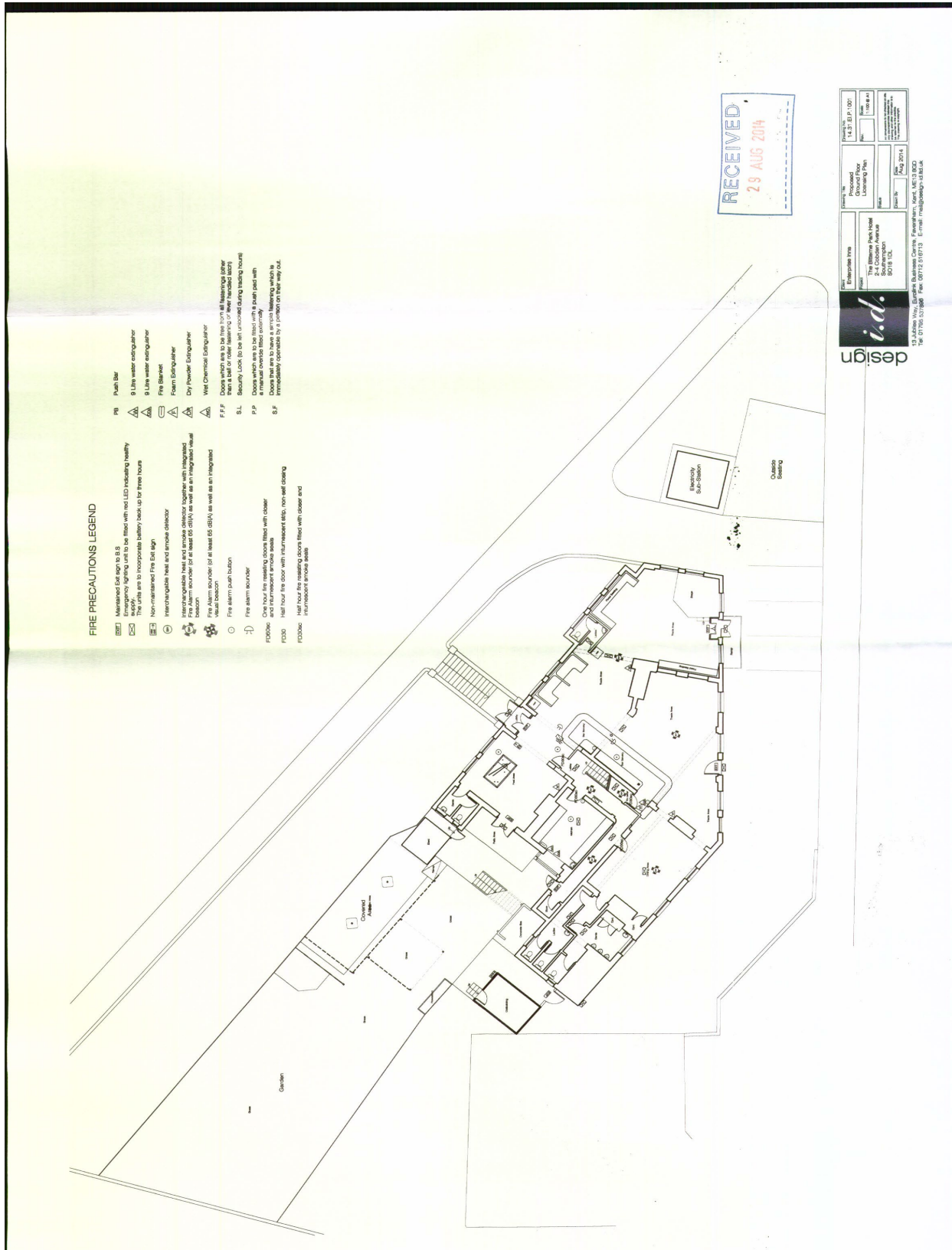
2 SIA door staff

On every Friday, Saturday, on New Year's Eve and on special events evenings there shall be 2 SIA registered door staff from 20:00 hours to closing. At all times when the premises is open for licensable activities there shall be a risk assessment conducted as to whether it is necessary to employ SIA staff. Records of the risk assessments made will be kept for a minimum of 12 months.

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

1 None





Plan not reproduced to scale.

## ENVIRONMENTAL SERVICES & CONSUMER PROTECTION

Southampton City Council  
Civic Centre  
Southampton  
SO14 7LY



Mr I McGuiness  
Senior Licensing Officer  
Southampton and Eastleigh Licensing Partnership  
Southampton City Council  
Civic Centre  
Southampton  
SO14 7LY

Direct dial: [REDACTED]  
Please ask for: Gavin Derrick  
Our ref: 21/00305/LICENC  
Your ref:  
Date: 8 January 2021

Dear Mr McGuiness,

### **Licensing Act 2003 - Application for Summary Review of Premises Licence Bitterne Park Hotel, Cobden Avenue, Southampton**

I am writing to make a representation on behalf of Southampton City Council's environmental health service to be considered at the review of the premises licence for the Bitterne Park Hotel, Cobden Avenue, Southampton.

The environmental health service is a responsible authority for the purpose of the Licensing Act 2003 and is also the enforcing authority for the Health and Safety at Work etc Act 1974 in respect of these premises.

The coronavirus emergency has placed substantial additional duties on the environmental health service, who are partly responsible (together with the police and public health agencies) for controlling the transmission of coronavirus.

The Government passed legislation to restrict the operation of certain types of business under the Coronavirus Act 2020 and associated health protection regulations. This permitted some types of business to continue to operate subject to appropriate steps being taken by the operators of these businesses to reduce the risk of coronavirus transmission and protect the NHS.

The Government has provided comprehensive and easily accessible advice to business operators on the legislative requirements.

The operator of the Bitterne Park Hotel has a legal obligation to carry out a risk assessment and to put in place measures to control the risk of coronavirus transmission and to protect the health of both customers and staff. This legal obligation is imposed by the Health and Safety at Work etc Act 1974 and the Management of Health and Safety at Work Regulations 1999.

I understand that a review of the premises licence has been initiated after the police attended the premises on 24 December 2020 and found a large number of customers inside the premises and inadequate controls in place to ensure that social distancing measures were observed by customers and that other mitigation measures are in place.

continued/...



I also note that the police found no evidence that the operator of the business as only serving alcohol to customers taking a 'substantial meal' as required by the regulations in order for the premises to trade at all.

It is clear to me that the observations of the police when attending the premises on 24 December 2020 demonstrate that the operator of the premises has not carried out an adequate risk assessment or implemented adequate controls as required by the health and safety legislation. The police report also shows that customers were being served alcohol on 24 December 2020 without a 'substantial meal' being taken and on this basis, the premises could not trade lawfully given the restrictions imposed by the law at that time to control the spread of coronavirus.

Many businesses trading in the city, including licensed premises, have put in place extensive mitigation measures and reduced their capacity to protect the health of their customers and staff. Some business have closed as they are unable to meet the requirements to provide a 'substantial meal' alongside the supply of alcohol. This will have a financial impact on those business which comply with the law and follow the Government advice and guidance. It is regrettable that some businesses, such as the Bitterne Park Hotel do not make these efforts to protect public health but instead choose to operate in a way which exposes their staff and customers to risk for the pursuit of financial reward.

I would recommend that this is considered when the licence is reviewed and confirm that the environmental health service, as a 'responsible authority' for the purpose of the Licensing Act 2003 support the police application for a review of the premises licence.

Yours sincerely,

A black rectangular redaction box covering the signature of Gavin Derrick.

**Gavin Derrick**  
**Service Manager - Environmental Health, Trading Standards and Community Safety**

Date: 27<sup>th</sup> January 2021

Licensing Department  
Southampton City Council  
Civic Centre  
Southampton  
SO14 7LS

To Whom It May Concern,

**Re: Bitterne Park Hotel: Premises License Review**

This representation is made by the Interim Director for Public Health at Southampton City Council as a responsible authority under the Licensing Act 2003, in support of Hampshire Constabulary's application to review the above premises license on the following grounds:

1. The Prevention of Crime and Disorder

**Prevention of Crime and Disorder**

I am concerned about the report of the event that took place at the Bitterne Park Hotel bar on the 24<sup>th</sup> December 2020 in the context of the Licensing Objective of "the promotion of the prevention of crime and disorder."

I believe the use of the premises for a social gathering as described by the Police report was not in a manner that would meet the requirements of the 'Tier 2 restrictions' required by the Health Protection (coronavirus, restrictions) (no.4) (England) and associated regulations, the Licensing Act 2003, or the UK government's guidance on protecting the public during the Coronavirus pandemic.

Firstly, the gathering was too large and not socially distanced. Schedule 22 of the Coronavirus Act 2020 permits the Secretary of State to make a declaration imposing prohibition, restrictions or requirements regarding the number of persons in the premises, the size of the premises, the purpose for which a person is in the premises, the facilities in the premises, and/or a period of time.

Restrictions on numbers at gatherings have been in place for a significant period. On the 24<sup>th</sup> December Southampton was in Tier 2, which prohibited gatherings of more than two people indoors and meant licensed premises could only provide alcohol with a substantial meal.<sup>1</sup>

The Police report states that the event Bitterne Park Hotel on the 24<sup>th</sup> December 2020 had in excess of 30 people in attendance, a fact that speaks for itself. In addition to hosting a social gathering during lockdown those present were not socially distant from other people in the

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<sup>1</sup> The Health Protection (Coronavirus, Restrictions) (No. 2) (England) (Amendment) (No. 4) Regulations 2020

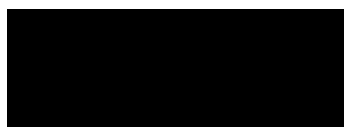
room, and were not wearing face coverings or masks, showing further non-compliance with guidance designed to keep people safe by reducing the spread of disease. The police report makes clear that the officer was satisfied that the event at Bitterne Park Hotel was hosting a social gathering that was not permitted under the legislation at the time.

Secondly, under “the contact details regulations”<sup>2</sup> it is mandatory for businesses to collect Track and Trace information from all visitors to be used in the event of a coronavirus outbreak to reduce the spread of the disease. It is reported that Bitterne Park Hotel did not record sufficient contact details of attendees. Guidance relating to test and trace is available on the gov.uk website detailing the requirements of restaurants, pubs, bars and takeaway services. Section 2.1 of this guidance provides examples of the information that must be collected.

As the Interim Director of Public Health I am concerned that the Licensing Objective of the Prevention of Crime and Disorder has not been promoted, in fact the direct opposite, by this conduct together with the potential impact it may have had in spreading coronavirus. Hosting events increases the risk of an outbreak, and not collecting test and trace information undermines the ability to respond to one, should it occur.

As the premises has already numerous conditions on the license, and engagement with the property from other responsible authorities has not remedied existing situations prior to this review, I therefore support the Police in their call for a review under the Licensing Act 2003 on the grounds of the licensing objective of the Prevention of Crime and Disorder, and their request of the revocation of the license.

Yours sincerely



Debbie Chase  
Interim Director of Public Health

Guidance for Test and Trace

<https://www.gov.uk/guidance/maintaining-records-of-staff-customers-and-visitors-to-support-nhs-test-and-trace>

<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/restaurants-offering-takeaway-or-delivery#takeaways-2-1>

### **Procedure – Applications etc. under the Licensing Act 2003 or Gambling Act 2005**

1. A hearing will be held to decide applications, etc., under the Licensing Act 2003, where there have been relevant representations from one or more of the responsible authorities or other persons. The parties to the hearing will have the chance to be heard. They are also entitled to be helped or represented by another person if due written notice is given in advance.
2. Hearings will take place before a Sub-Committee comprising three members of the Licensing Committee. One of these members will be elected Chair of the Sub-Committee for that hearing.
3. Please note that for day time hearings the Sub-Committee will normally adjourn for lunch at 1:00 p.m. and that comfort breaks will be taken at the discretion of the Chair at appropriate points during the meeting.

#### **Preliminary matters**

4. The Chair will introduce those present.
5. The Chair will check whether any of the Sub-Committee members has a “disclosable pecuniary”, “personal” or “pecuniary” interest.
6. The Chair will check whether all the parties are present at the hearing, and if any are not, whether they have told the Council that they do not wish to attend or be represented. If any party who was expected to attend has not done so, the Sub-Committee will decide whether to hold the hearing in that party’s absence, or to adjourn it to another date. Hearings will be adjourned if the Sub-Committee considers this necessary in the public interest, if that is possible. If the Sub-Committee decides to hold the hearing in a party’s absence, they will still consider any written information received.
7. In the case of an application for variation or a new licence, the Sub-Committee’s legal advisor will ask the applicant or their advisor for confirmation that the required public notices have been displayed where they can conveniently be read from the exterior of the premises and that notice was given in a local newspaper within eleven working days of the day on which the application was received by the licensing authority.
8. Normally, hearings will be open to the public. However, the Sub-Committee may exclude the public from the hearing (or part of it) if they think the public interest in doing so outweighs the public interest in having the hearing in public. If the public are excluded, any of the parties to the hearing, and/or anyone helping or representing them, may also be excluded.
9. The Chair will propose a motion that the public and the press be excluded from the hearing while the Sub-Committee considers the matter. Ordinarily the legal advisor and democratic support officer will remain (see paragraph 30 (b) below).
10. The Openness of Local Government Bodies Regulations 2014 provide an entitlement for the public to film, photograph and audibly record (“record”) public meetings. However, by virtue of Schedule 6, paragraph 58 of the Licensing Act 2003 and section 101 (15) of the Local Government Act 1972, Licensing Act 2003 hearings are not covered by the entitlement to film as of right. The Council’s general approach is to encourage openness and transparency in all its dealings and the general presumption is that filming or recording of hearings shall generally be permitted where due notice has been provided in advance of the hearing. Nonetheless the following shall apply:

- i) Filming / recording / photographing hearings shall only be permitted with the express permission of the Chair. Such permission may include restrictions to protect children, vulnerable persons or others that object to being filmed / photographed / recorded.
  - ii) Requests to film / record / photograph should be made with sufficient notice in advance of the hearing. Late requests may not be granted if there shall be a delay to proceedings as a result.
  - iii) Every party to the hearing and any witnesses shall have the opportunity to object and those representations shall be considered by the Sub-Committee.
  - iv) No filming, photography or sound recording shall be permitted of any person under 18 years of age.
  - v) No person shall be put under any pressure to consent to such and no payment for such consent shall be given.
  - vi) The Chair shall have the final say as to whether any filming, photography or recording is allowed (including the extent to which permission is granted e.g. the parts of the meeting, the individuals concerned or the arrangement of the recording equipment).
  - vii) All directions given by the Chair shall be fully complied with and the Chair shall have the absolute discretion to withdraw permission to film, photograph or record in the event the same causes an obstruction or interferes with the general conduct of the hearing, including the impeding of the giving of proper evidence.
11. A party may have asked for someone else to appear at the hearing to make a point or points that may help the Sub-Committee reach a decision. It is up to the Sub-Committee to decide whether that person should be heard, although permission will not be refused unreasonably. Such a person is referred to as a “witness” in this procedure.
12. Where application has been made, in advance of the hearing, that it should be conducted in private (e.g. by the Police in review or summary review proceedings) reports shall be prepared and presented as confidential so that the Committee can make a meaningful determination in accordance with Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 to exclude the press and public. It is important to note that reports presenting Licensing Act 2003 matters are not required to be published in advance. However, certain limited information must be published in accordance with the Licensing Act 2003 (Licensing Authority’s Register) (Other Information) Regulations 2005 and section 8 of the Licensing Act 2003.
13. The Chair will then explain the procedure that will follow.

### **General information on the conduct of the hearing**

14. Each party is entitled to:
- (a) Give further information in response to any point that the Council told them before the hearing they would like clarified;
  - (b) With the permission of the Chair, seek clarification on any point by any other party;
  - (c) Address the Sub-Committee.
15. Members of the Sub-Committee may also seek clarification of any party or witness.
16. At the Chair’s discretion, the Sub-Committee’s legal advisor may ask any questions he or she thinks are relevant.

17. Unless the Council has requested in advance that a particular point be clarified, new documentary or other evidence may not be submitted for the first time at the hearing, unless all the other parties agree.
18. Members of the Sub-Committee will have read all the papers included in the agenda for the hearing before the hearing starts. The parties are requested not to spend unnecessary time repeating evidence which is already in the papers and which is not disputed.
19. Evidence that is not relevant to the case, or to the promotion of the four licensing objectives, will be disregarded.

### **Hearing Procedure**

20. If any party has asked permission for a witness or witnesses to appear, the Sub-Committee will decide whether they should be heard (see paragraph 10 above).
21. All parties will be allowed a similar (and maximum) amount of time to put their case, and ask questions of other parties, subject to the Chair's discretion to not hear repetitive matters or questions.

### **The applicant**

22. The applicant for the licence (or their representative) or the applicant in review proceedings, may present their case.
23. If the Sub-Committee permits, the applicant may call those witnesses whose names have been provided in advance to support their application.
24. Where a group of witnesses wish to speak in support of the application for similar reasons, one person should, where possible, act as spokesperson for the whole group. The Sub-Committee may reasonably refuse permission for a witness to be heard if their evidence simply repeats points already made.
25. The Chair will invite those making representations to seek clarification on any point made by the applicant. The Chair will decide in which order those making representations will be invited to put their questions.
26. Members of the Sub-Committee or the Legal Advisor, if so permitted by the Chair, may also seek clarification of the applicant or any of their witnesses.

### **The representations**

27. Where there is more than one person making a representation, the Chair will decide the order in which they may put their case. If there is a representation from one or more of the responsible authorities, their representatives will normally be invited to put their case first.
28. The following procedure will apply to each person making a representation in turn:-
  - (a) The person making a representation (or their representative) may present their case.
  - (b) If the Sub-Committee permits, the person making a representation may call those witnesses whose names have been provided in advance to support their objection.
  - (c) Where a group of witnesses wish to speak in support of the objection for similar reasons, where possible, one person should act as spokesperson for the whole group. The Sub-Committee may reasonably refuse permission for a witness to be heard if their evidence simply repeats points already made.

- (d) The Chair will invite the applicant to seek clarification on any points made by those making representations.
- (e) Members of the Sub-Committee or the Legal Advisor, if so permitted by the Chair, may seek clarification of those making representations or any witnesses.

### **Summing up**

- 29. The Chair will invite each person making a representation to make a final statement or sum up their case.
- 30. The Chair will invite the applicant to make a final statement or sum up their case.

### **Sub-Committee's decision**

- 31.
  - (a) At the end of the hearing the Sub-Committee will move to private session whilst it considers the matter.
  - (b) The Sub-Committee's legal advisor will remain to provide legal advice and the democratic services officer will remain to record the decision. Details of any legal advice will be recorded and referenced in the decision and reasons.
  - (c) The parties will be invited to wait to be informed of the outcome.
  - (d) As soon as the decision is reached, the public and press will be invited to return to the room in which the hearing took place, and the Chair will announce the decision and the reasons for it.
  - (e) If a room is available, the Committee may retire to deliberate and make its decision
  - (f) All parties will be formally notified in writing of the decision and reasons as soon as possible.

In most cases the Sub-Committee will announce the decision at the conclusion of the hearing. In certain cases where this is not possible due to time constraints (and the Hearings Regulations permit – Regulation 26 (1) sets out those hearings where delay is not possible) the decision shall be made within 5 working days beginning with the day of the hearing or the last day of the hearing.

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