

DECISION-MAKER**LICENSING (LICENSING & GAMBLING) SUB COMMITTEE****SUBJECT****HEARING TO CONSIDER AN APPLICATION FOR VARIATION OF A PREMISES LICENCE – Hooch And Candy 82b & 82c Bedford Place Polygon Southampton SO15 2BX****DATE OF HEARING****3rd August 2022 16.00pm****REPORT OF****SERVICE DIRECTOR – COMMUNITIES, CULTURE AND HOMES****E-mail**

licensing@southampton.gov.uk

Application Date :

9th June 2022

Application Received 9th June 2022

Application Valid :

9th June 2022

Reference :

2022/01830/01SPRV

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Representations from Responsible Authorities

Responsible Authority	Satisfactory?
Licensing	Unsatisfactory
Safeguarding Children	No Response
Fire Service	Satisfactory
Environmental Health - Licensing	No Response

Home Office	No Response	
Public Health Manager	No Response	
Planning & Sustainability - Development Control - Licensing	Satisfactory	
Police - Licensing	Unsatisfactory	
Trading Standards	No Response	
Other Representations		
Name	Address	Contributor Type
Ms. Denise Bricknell	Scheme Manager Thorners Court Henstead Road SO15 2GU	Resident
Ms. Rita Lupton	Flat 13 Thorners Court Henstead Road Southampton SO15 2GW	Resident

Legal Implications

The legislation specifically restricts the grounds on which the sub-committee may refuse an application for variation of a premises licence, or impose conditions. The legislation provides for a presumption of grant of an application for variation of a premises licence, subject to the determination of the application with a view to promoting the licensing objectives in the overall interests of the local community. 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

An application may be refused in part and thereby only permit some of the licensable activities sought.

An applicant for variation of a premises licence whose application has been refused, or who is aggrieved by conditions imposed, may appeal against the decision to the Magistrates' Court. Any other person, who made a valid representation, may appeal to the Magistrates' Court against the decision to grant the application or against any conditions imposed.

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.

Only persons that made relevant representations or their representative, within the time limits, will be allowed to present evidence and this will be restricted to the points raised in their written representation. Any evidence used to expand upon specific points already raised in a written representation should be served upon all parties in good time before the hearing date in order to allow proper consideration. A failure to properly serve any such additional evidence in advance is likely to mean it cannot be produced or relied upon at the hearing.

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.

Copies of the application for variation of a premises licence and the representations to it are annexed to this report.

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

This application is for a Variation of the Premises Licence to extend the licensable hours for Sale by Retail of Alcohol and to add Late Night Refreshment.

Applicant	Hooch and Candy Ltd.
Designated Premises Supervisor	Milosz Stanislaw Niewiara

Licensable Activities.

Provision of late night refreshment

Monday	23:00 - 02:00
Tuesday	23:00 - 02:00
Wednesday	23:00 - 02:00
Thursday	23:00 - 02:00
Friday	23:00 - 02:00
Saturday	23:00 - 02:00
Sunday	23:00 - 02:00

Supply by retail of alcohol

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

This application has received representations from Hampshire Constabulary and Licensing and two Public Representations.

Included in Report

Application

Current Licence

Police Representation

Licensing Representation

Public Representations x 2

Hearing Procedures

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We **HOOCH AND CANDY LTD**

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 2019/01521/01SPRD

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description HOOCH AND CANDY 82B – 82C BEDFORD PLACE POLYGON			
Post town	SOUTHAMPTON	Postcode	SO15 2BX

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£26,250.00

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation

(Please see guidance note 2)

Extend Sale by retail of alcohol to be consumed off premises hours:
Monday – Sunday: 10:00 – 02:00

Add Late Night Refreshment to premises licence:
Monday – Sunday: 23:00 – 02:00

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

--

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b) films (if ticking yes, fill in box B)	<input type="checkbox"/>
c) indoor sporting events (if ticking yes, fill in box C)	<input type="checkbox"/>
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>
e) live music (if ticking yes, fill in box E)	<input type="checkbox"/>
f) recorded music (if ticking yes, fill in box F)	<input type="checkbox"/>
g) performances of dance (if ticking yes, fill in box G)	<input type="checkbox"/>
h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	<input type="checkbox"/>

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue			State any seasonal variations for performing plays (please read guidance note 6)		
Wed			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Tue					
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Wed					
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Indoors <input type="checkbox"/>	Outdoors <input type="checkbox"/>	Both <input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)		
Tue					
Wed			<u>Please give further details here</u> (please read guidance note 5)		
Thur					
Fri			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Sat					
Sun					
			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	23:00	02:00	Please give further details here (please read guidance note 5) Late night refreshment will take place from hatch after 00:00 till 02:00. The premises will be closed for public access at 00:00.		
Tue	23:00	02:00			
Wed	23:00	02:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur	23:00	02:00			
Fri	23:00	02:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Sat	23:00	02:00			
Sun	23:00	02:00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon	10:00	02:00			
Tue	10:00	02:00			
Wed	10:00	02:00			
Thur	10:00	02:00			
Fri	10:00	02:00			
Sat	10:00	02:00			
Sun	10:00	02:00			
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
			Sales of alcohol will take place from hatch after 00:00 till 02:00. The premises will be closed for public access at 00:00.		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	10:00	00:00	
Tue	10:00	00:00	
Wed	10:00	00:00	
Thur	10:00	00:00	
Fri	10:00	00:00	
Sat	10:00	00:00	
Sun	10:00	00:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

1. Challenge 25 policy to be in place at all times
2. CCTV to be installed and 31 days recoding system staff trained to download images when required
3. All staff to be trained in responsible alcohol retailing

b) The prevention of crime and disorder

CCTV -

- The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system will be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas.
- CCTV warning signs to be fitted in public places
- The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation.
- The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
- Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained.
- The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i e password protected
- There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to police on request when investigating allegations of offences or criminal activities. Any images recovered must be in a format that can be viewed on readily available equipment without the need for specialist software
- In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Hampshire Western Police Licensing Unit within 24 hours.

Alcohol –

- When alcohol is not for sale shutters will be used to block off the alcohol from other products on display
- Sales of single cans of alcohol are prohibited
- No beers, ciders or lager of 6.5%ABV or over shall be sold by retail, excluding premium products as agreed in writing, in advance with the police licensing team.
- All alcohol shall be purchased from AWRS registered cash & carry and wholesalers
- All Alcohol sales and late-night refreshment after 00:00 till 02:00 shall be made from a hatch, while the premises is closed for public access.

Incident Book –

- An incident book will be provided and maintained at the premises. It will remain on the premises at all times and will be available to police for inspection upon request.
- Any incidents that include theft, disorder, physical ejection, injury or id seizure will be recorded in the incident book. The entry is to include an account of the incident and the identity of all person(s) involved (or descriptions of those involved if identity is not known). Should there be any physical interaction by members of staff and the public the entry will include what physical action occurred between each party. The entry shall be timed, dated and signed by the author.

- If the member of staff creating the entry has difficulties reading or writing, then the entry may be written by another staff member. This should however be read back to the person creating the entry and counter signed by the person who wrote the entry.
- At the close of business on each day the incident book will be checked by the manager on duty where any entries will be reviewed and signed

Training –

- Staff will be trained regarding appropriate precaution~ to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training.
- All staff will receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training

Staff Levels –

- A minimum of 2 members of staff are present at the premises from 1900hrs each day.
- All staff will have right to work in UK documents checked before being offered employment.

c) Public safety

- Installation of appropriate safety equipment
- Fire exit signs displayed
- To comply with all current, fire, health and safety laws
- CCTV working at all times
- Visual checks on food and drink to ascertain whether they are labelled in English If they are not so labelled those items will not be displayed for sale or sold
- Food and drink which originates from outside of the EU will not be sold unless you have conducted checks to ascertain whether those products are compliant with UK composition and labelling requirements If the products do not comply with such requirements, then they will not be displayed for sale or sold Checks may include written assurances from the manufacturer, importer or distributor regarding compliance and may be accompanied by compositional test certificates, and your own labelling checks. Records will be kept for a period of 24 months by Premises Licence Holder as to the checks which have been conducted, and should be available to Responsible Authorities within 24 hours of request If you are unable to ascertain whether a product complies then it will not be displayed for sale or sold

d) The prevention of public nuisance

- Notice displayed asking customers to leave quietly from premises also customers will be told in person to leave quietly and not to disturb the local neighbourhood
- Strict policy in place to tell all staff not to serve alcohol to drunks at all
- Appropriate signage will be displayed, in prominent position informing customers they are being recorded on CCTV

e) The protection of children from harm

Refusal Book -

- A written log shall be kept of all refusals including refusals to sell alcohol. The premises designated premises supervisor shall ensure that the refusals log is checked, signed and dated on a weekly basis. The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.
- The record of refusals will be retained for 12 months.

Deliveries-

- Deliveries will only take place to a dwelling or place of work with a recognised postal address, including post code.
- Alcohol will only be delivered or handed to the person who placed the order and who are 18 years of age or over. Identification will need to be shown on every occasion to confirm the age of the recipient.
- Accepted forms of identification will be passport, photo driving licence or Proof of Age Standards Scheme (PASS) approved ~ if there is no ID then no sale will take place.

A record will be made on the order and delivery docket of the name of the customer:

- Age
- Confirmation of the ID to be produced
- ID identification Number
- Address for delivery
- Contact phone number or other contact details such as email address
- Method of payment
- Date and time of delivery
- This record shall be maintained and shall be produced to Police upon request back dating to a period of no less than six months. These records will remain on the premises at all times and available for inspection by Hampshire Constabulary immediately on request.
- The details of any identification that is produced by persons receiving alcohol will be recorded. This record will be produced to Police Officers or Licensing Officers upon request back dating to a period of no less than 6 months.
- An incident/refusals book will be maintained in which would be recorded any incidents where underage or drunk customers are refused alcohol sales and deliveries and any other incidents of note that may occur.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	[REDACTED]
Date	08 – 06 – 2022
Capacity	Agent

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
Mr M S Kapoor Personal Licence Courses UK LTD 145 Station Road			
Post town	West Drayton	Post code	UB7 7ND
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]			



**Schedule 12
Part A
Premises Licence**

Regulation 33,34

Premises licence number	2019/01521/01SPRD
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Part 1 – Premises details

Postal address of premises, or if none, Ordnance Survey map reference or description,
Hooch And Candy 82b & 82c Bedford Place Polygon Southampton SO15 2BX

Telephone number

Where the licence is time limited, the dates
Not applicable

Licensable activities authorised by the licence
Supply by retail of alcohol

The times the licence authorises the carrying out of licensable activities
Supply by retail of alcohol
Monday 10:00 - 00:00
Tuesday 10:00 - 00:00
Wednesday 10:00 - 00:00
Thursday 10:00 - 00:00
Friday 10:00 - 00:00
Saturday 10:00 - 00:00
Sunday 10:00 - 00:00

The opening hours of the premises

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

Where the licence authorises supplies of alcohol whether these are on and / or off supplies
Alcohol is supplied for consumption off the premises



Part 2

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

Hooch and Candy Ltd.
82C Bedford Place
Southampton
SO15 2BX
Business Phone Number [REDACTED]



Registered number of holder, for example company number, charity number (where applicable)
08510232



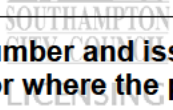
Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Milosz Stanislaw Niewiara
[REDACTED]



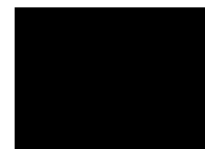
Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence Number: 2014/02077/02SPEN
Licensing Authority: Southampton City Council



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

Dated this 12th day of February 2019;



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

Annex 1 – Mandatory Conditions

1 No supply of alcohol shall be made under the premises licence:

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor for the premises does not hold a personal licence or his personal licence is suspended.

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

3 (1) The premises licence holder or club premises certificate holder 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.

4 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.

Annex 2 – Conditions consistent with the operating Schedule

1 When alcohol is not for sale shutters will be used to block off the alcohol from other products on display.

2 Single cans of alcohol
Sales of single cans of alcohol are prohibited.

High strength alcohol products

No beers, ciders or lager of 6.5%ABV or over shall be sold by retail, excluding premium products as agreed in writing, in advance with the police licensing team.

Food Labelling

Visual checks on food and drink to ascertain whether they are labelled in English. If they are not so labelled those items will not be displayed for sale or sold.

Food and Drink checks

Food and drink which originates from outside of the EU will not be sold unless you have conducted checks to ascertain whether those products are compliant with UK composition and labelling requirements. If the products do not comply with such requirements then they will not be displayed for sale or sold. Checks may include written assurances from the manufacturer, importer or distributor regarding compliance and may be accompanied by compositional test certificates, and your own labelling checks. Records will be kept for a period of 24 months by the Premises Licence Holder as to the checks which have been conducted, and should be available to Responsible Authorities within 24 hours of request. If you are unable to ascertain whether a product complies then it will not be displayed for sale or sold.

3 EMBEDDED CONDITIONS FROM CHILDREN AND YOUNG PERSONS ACT 1933

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

4 CCTV

The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system will be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas.

CCTV warning signs to be fitted in public places.

The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation.

The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.

Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained.

The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i.e. password protected.

There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to police on request when investigating allegations of offences or criminal activity. Any images recovered must be in a format that can be viewed on readily available equipment without the need for specialist software.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Hampshire Western Police Licensing Unit within 24 hours.

Refusals book

A written log shall be kept of all refusals including refusals to sell alcohol. The premises designated premises supervisor shall ensure that the refusals log is checked, signed and dated on a weekly basis. The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority. The record of refusals will be retained for 12 months.

Incident book

An incident book will be provided and maintained at the premises. It will remain on the premises at all times and will be available to police for inspection upon request.

Any incidents that include theft, disorder, physical ejection, injury or id seizure will be recorded in the incident book. The entry is to include an account of the incident and the identity of all person(s) involved (or descriptions of those involved if identity is not known). Should there be any physical interaction by members of staff and the public the entry will include what physical action occurred between each party. The entry shall be timed, dated and signed by the author.

If the member of staff creating the entry has difficulties reading or writing then the entry may be written by another staff member. This should however be read back to the person creating the entry and counter signed by the person who wrote the entry.

At the close of business on each day the incident book will be checked by the manager on duty where any entries will be reviewed and signed.

Challenge 25

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.

Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the person's date of birth.

If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

'Challenge 25' posters shall be displayed in prominent positions at the premises.

Training

Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training.

All staff will receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.

5 Deliveries will only take place to a dwelling or place of work with a recognised postal address, including post code.

Alcohol will only be delivered or handed to the person who placed the order and who are 18 years of age or over. Identification will need to be shown on every occasion to confirm the age of the recipient. Accepted forms of identification will be passport, photo driving licence or Proof of Age Standards Scheme (PASS) approved ID. If there is no ID then no sale will take place.

A record will be made on the order and delivery docket of:

- the name of the customer
- Age
- Confirmation of the ID to be produced
- ID Identification number
- Address for delivery
- Contact phone number or other contact details such as email address
- Method of payment
- Date and time of delivery

This record shall be maintained and shall be produced to Police upon request back dating to a period of no less than six months. These records will remain on the premises at all times and available for inspection by Hampshire Constabulary immediately on request.

The details of any identification that is produced by persons receiving alcohol will be recorded. This record will be produced to Police Officers or Licensing Officers upon request back dating to a period of no less than 6 months.

An incident/refusals book will be maintained in which would be recorded any incidents where underage or drunk customers are refused alcohol sales and deliveries and any other incidents of note that may occur.

6 Staffing

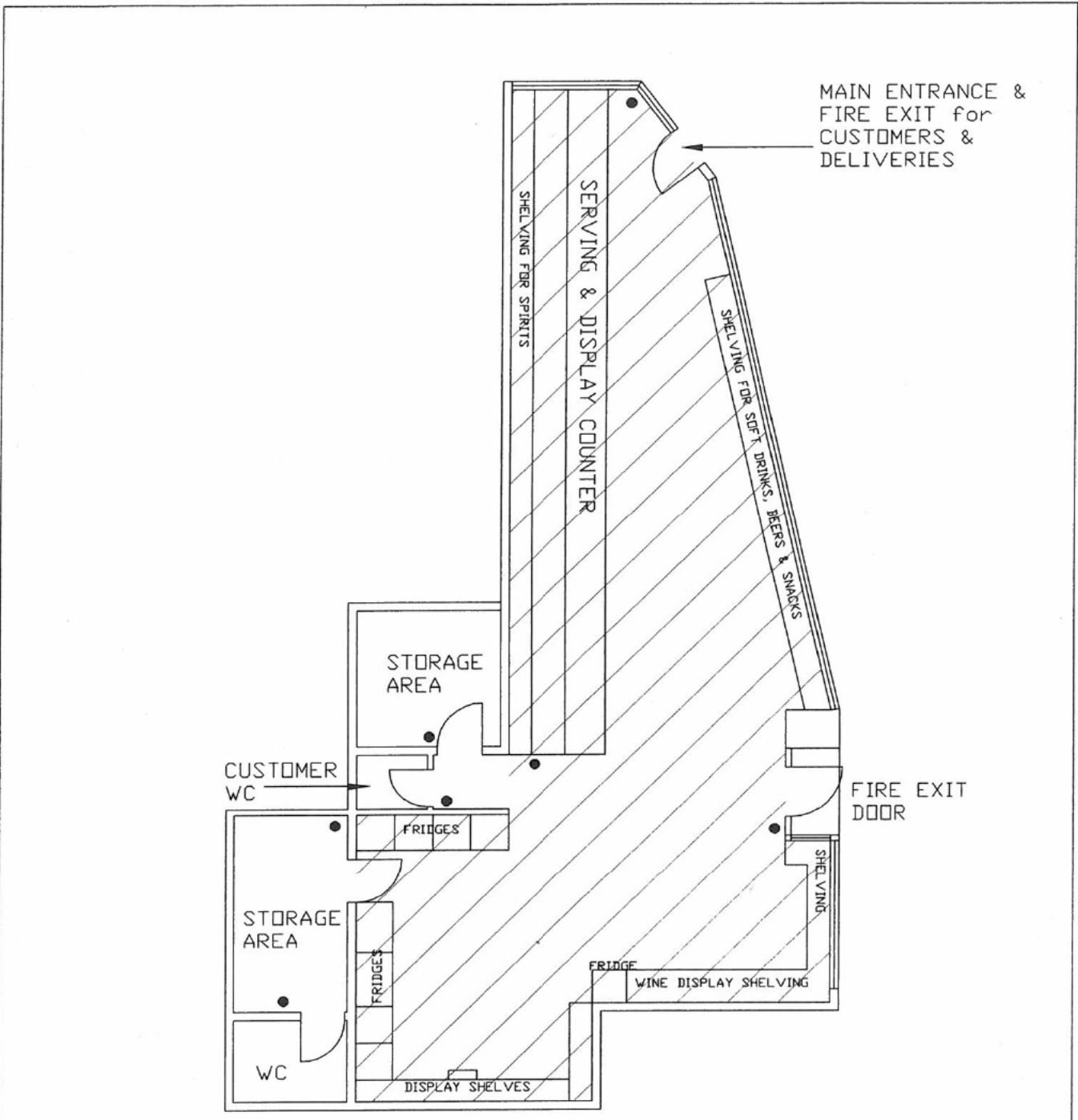
A minimum of 2 members of staff are present at the premises from 1900hrs each day.

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

1 None



Annex 4 – Plans



90m2 SALE & DISPLAY OF ALCOHOL



FIRE FIGHTING EQUIPMENT

Drawing Title:

STORE LAYOUT PLAN
82 b & c BEDFORD PLACE
SOUTHAMPTON

Filename
A4/82BP/01

Date
JUNE 2013

Scale
1:100

CC BEDFORD PLACE LTD
82C BEDFORD PLACE
SOUTHAMPTON
SO15 2BX

Plan not reproduced to scale.

Form for representations/objections from Hampshire Constabulary

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

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

<input type="checkbox"/>	1: New Premises licence/club prem certificate	Representation within 28 days
<input checked="" 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 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:	Hooch & Candy
Name of Proposed DPS:	

Details of relevant conviction (Personal Licence Applications ONLY)

Postal address of premises:	82B - 82C Bedford Place, Polygon, Southampton
Postcode:	SO15 2BX

Details of responsible authority applicant

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other title / Rank:	PC
Surname:	Scott	First Names:	Lee		
Current postal address:	Southampton Central Police Station Southern Road Southampton				
Postcode:	SO15 1AN				
Daytime telephone number:	[REDACTED]				
E-mail address: (optional)	[REDACTED]				

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

Form for representations/objections from Hampshire Constabulary

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

- | | |
|---|-------------------------------------|
| 1) The prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 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 select
one or more
boxes*

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

Hooch and Candy have applied to extend the hours for the licensable activity on their existing premises licence issued by Southampton City Council.

It is the view of the chief of police that allowing the extension of the sale of alcohol from the premises would contribute further to the levels of crime and disorder in the local environment and jeopardise public safety and cause further public nuisance.

Hooch & Candy currently have a terminal hour of 0000 7 nights a week and the premises has suitable conditions to ensure the licensing objectives are upheld and the premises trade responsibly. Further the premises has traded later in the past utilising temporary events notices on particular nights of the year generally on Halloween and New Years eve. These very short measures on temporary event notices have been allowed as there is a general extension to licences as a lot of premises seek to utilise the event time on the calendar to boost trade a little more across these key dates.

However the premises sits firmly within one of the city centre cumulative impact zones identified by Southampton City council's statement of licensing policy 2021-2026.

As such this premises sits in an area already identified as one suffering from increased crime and disorder owing to the number of licenced premises in concentration within a small geographical area.

Furthermore the nearby on-premises drinking establishments do not allow patrons to leave their premises with drinks and the outside drinking areas are time limited to before the closing time of this premises as is currently. The nearby outdoor seated drinking areas are also designated as glass free and Southampton is covered by a public spaces protection order prohibiting the consumption of alcohol in general public places.

The extension of the licence at this premises will undermine all of the above and increase the risk of crime and disorder in an area where it is already high.

Whilst the premises may trade responsibly and safely the concern is that once alcohol is sold and leaves the store via a hatch or at the till inside, there is absolutely no control over the produce or the person buying it once they leave the shop.

The police have concerns about revellers engaging in the night time economy purchasing more alcohol either before attempting to enter other on drinking establishments or after leaving whether via ejection or of their own accord and purchase more alcohol.

Any person who has been involved in any form of altercation at a premises will have an opportunity to attend this store and make purchases which not only could see them becoming more alcohol

Form for representations/objections from Hampshire Constabulary

fuelled but also put them in possession of a potential weapon such as a bottle. Such issues could arise through proxy sales as well as the opportunity presents itself on the doorstep of the NTE. The staff will not necessarily be able to confirm alcohol sold will not be passed on to others waiting outside.

This extension will also do nothing to aid dispersal away from the area as some premises begin to close and the availability of further alcohol only presents ongoing risk in a less controlled environment than revellers being inside nearby premises.

The application mentions a hatch which is a good idea to prevent issues in store and keep staff safe however it does nothing to prevent any of the foreseeable issues in the street. It arguably also limits members of staff being able to assess persons levels of intoxication and suitability to be sold alcohol. There are no conditions considered proportionate for this premises that can satisfy the control of the alcohol once it has left the premises as the public have a right to their freedoms of movement. However when intoxicated this freedom of movement increases the risk of crime and disorder and vulnerability.

It is also disappointing to note that the premises licence holder has not contacted police about this prior to submitting an application which contradicts the section 182 guidance. The licence holder made contact with police licensing in January but this was only regarding remaining open for delivery only until 0200.

This application does not state anywhere that it is for deliveries only so for the reasons given we oppose this variation.

Furthermore while the premises is close to some late night premises in a night time economy area it is also right next to a residential area so the public nuisance factor also needs to be taken into consideration if persons are entering residential roads in the early hours with more alcohol.

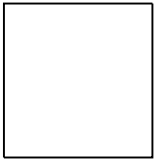
Prior to submitting this representation I have spoken to the premises licence holder and I have advised that we are looking to object to it. I advised that I would support home deliveries for these hours but cannot endorse or support the off sales from the store, hatch or otherwise. This contact was made via phone on Wednesday 22nd June 2022. I was told by the licence holder that he would make contact with the council to discuss amending the application based on my concerns raised over the phone. I then sent local authority licensing officers an e-mail on this same date to advise of our conversation. I was notified a local authority licensing officer on Wednesday 29th June that no contact has been made with the local authority to revise or discuss this application. I am completing this representation a few days later being Saturday 2nd July and I've not heard of any approach from the licence holder to the council still.

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)

Refuse the application as no conditions can be considered suitable to control the alcohol once it leaves the premises and it is within an identified stress area.

Should the premises licence holder wish to amend the application so that the extension of hours for home delivery only then we would support this. Any click and collect at the store beyond the existing hours would be opposed as well, only genuine away from premises home deliveries would be



**Form for representations/objections
from Hampshire Constabulary**

supported.

Signature of Officer Completing

Name	<u>Lee Scott</u>	Collar Number:	<u>25597</u>
Signature:	<u>[Redacted]</u>	Date:	<u>02/07/22</u>

Signature of Authorising Officer

Name	<u>S. Jackson</u>	Collar Number:	<u>3354</u>
Signature:	<u>[Redacted]</u>	Date:	<u>02/07/2022</u>

From: [Scott, Lee \(25597\)](#)
To: [Licensing;](#) [REDACTED]
Cc: [Hawley, Mark \(25491\);](#) [REDACTED]; [Bates, Phil](#)
Subject: Representation against variation of premises licence
Date: 03 July 2022 02:12:26
Attachments: [Hooch and Candy representation.doc](#)

Good morning licensing/ Hooch & Candy Ltd.,

Hampshire Constabulary wish to raise a representation against the proposed licenced premises variation application currently live for Hooch & Candy 82B-82C Bedford Place Licence number 2019/01521/01SPRD

The application is made to open later into the night 7 days a week from midnight until 0200 adding late night refreshment until the same time 7 days a week also.

Please see the attached document which sets out the basis of our representation.

Can you kindly acknowledge receipt of this e-mail.

Many Thanks
PC 25597
Lee Scott

*PC 25597
Lee Scott
Licensing & Alcohol Harm Reduction Team
Southampton Central Police Station*

[REDACTED]

[REDACTED]

[REDACTED]

From: [McGuinness, Ian](#)
To: [Licensing](#); [REDACTED]
Cc: [Bates, Phil](#)
Subject: Hooch & Candy - LA Representation
Date: 06 July 2022 15:43:08

Good Afternoon,

The Licensing Authority wish to make representation with reference to the premises licence variation application of Hooch and Candy, 82b & 82c Bedford Place, Polygon, Southampton. SO15 2BX.

The premises is in the busiest of the cumulative impact areas identified within our licensing policy. We object with regards to the prevention of public nuisance, public safety and the prevention of crime and disorder.

Street pastors pick up a high volume of glass bottles, often smashed within the night time economy area. This premises open to a later hour is very likely to add to this issue. We also have concerns with the availability of alcohol for consumption off a controlled premises which will only add to the stress on this area. High intoxication levels are regularly reported and witnessed by council officers in this area at night. This is also a factor for crime and disorder reported in this area.

While a hatch is mentioned for the safety of staff, this will not assist with the concerns of those buying and consuming the alcohol in this area.

It may be possible for a future application relating to deliveries only, with the correct conditions in place, however any further availability of alcohol for consumption in this area can not be agreed by the licensing authority at this time.

Kind regards,

Ian McGuinness

Ian McGuinness

Senior Licensing Officer

Southampton and Eastleigh Licensing Partnership

Southampton City Council

Tele: [REDACTED]

E-mail: [REDACTED]

Web: www.southampton.gov.uk/licensing

Post: Licensing - Southampton City Council

Civic Centre, Southampton. SO14 7LY

From: [Rita Lupton](#)
To: [Licensing](#)
Subject: Notice ID: BOU2439508
Date: 03 July 2022 13:55:54

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

I object to the above application to extend the opening hours to sell alcohol and refreshments.

This business is on a regular, well-used route to the local late night venues. This will encourage street drinking after people have left other premises that have closed. Street drinking is a daily occurrence in this area already and adding to it will result in the escalation of the issues already affecting the local residents.

This business is within the cumulative impact zone for Bedford Place. This area is already saturated with premises selling alcohol. Granting this extension will increase the problems already experienced by local residents.

These include, but are not limited to, street drinking, loud music from parked cars while groups of people drink and hang out, arguing, screaming and fights, gardens being used as toilets and litter bins. Broken glass and vomit over the pavements. Damage to parked cars and residents' fences.

Many of the nearby residents are elderly and some are also vulnerable.

R. LUPTON
Flat 13 Thorners Court
SO15 2GW
Sent from my iPad

From: [Rita Lupton](#)
To: [Licensing](#)
Subject: Re: Notice ID: BOU2439508
Date: 04 July 2022 11:57:31

You don't often get email from [REDACTED] [Learn why this is important](#)

Good morning,
Thank you for pointing this out to me.
The premises are: Hooch & Candy, Address: 82 Bedford Pl, Southampton SO15 2BX

Regards
R. LUPTON

Sent from my iPad

On 4 Jul 2022, at 11:51, Licensing <Licensing@southampton.gov.uk> wrote:

Good Morning,

Many thanks for your email.

With regards to the below objection, please can you confirm the name and address of the premises that this relates to. I believe that the reference number for this application is for the notice in the newspaper.

Kind regards

Sami Busby
Licensing Officer
Southampton and Eastleigh Licensing Partnership
Southampton City Council
Tel: [REDACTED]
E-mail: licensing@southampton.gov.uk
Web: <http://www.southampton.gov.uk/licensing> or
www.eastleigh.gov.uk/licensing
Post: Licensing – Southampton City Council
Civic Centre Southampton SO14 7LY

[REDACTED]

[REDACTED]

From: Denise Bricknell
To: lic@scg
Subject: 205460/ B012439508 *Ema I sent to discuss objection SB*
Date: 01 July 2022 14:55:38
Attachments: [Image001.png](#)

You don't often get email from [REDACTED]. [Learn why this is important](#)

Good Afternoon,

Several of the ladies who live at this site in Henstead road are once again concerned that another licensing establishment in Bedford place has applied for an extension to opening hours

They already experience disturbed sleep through party revellers going home via Henstead road,

- More puddles of vomit to try and avoid on pavements, more rubbish from take a ways
- More people congregating outside of the scheme being noisy playing loud music, either in groups or around a car
- More anti-social behaviour and the scheme gardens being used as toilets

They have asked if I could contact you on their behalf and raise their objections

Yours Sincerely

Mrs Denise Bricknell

Mrs Denise Bricknell

Scheme Manager – Thorne's Court

DL [REDACTED]
[REDACTED], Thorne's Court, Henstead Road, Southampton SO15 2GU

Email banner



This communication, including any attachment, is intended for the above named person(s) only. The information contained within is confidential, may be legally privileged, and must only be read, copied and/or used by the intended recipient. If you have

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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.