

DECISION-MAKER LICENSING (LICENSING & GAMBLING) SUB COMMITTEE

SUBJECT HEARING TO CONSIDER AN APPLICATION FOR GRANT OF A PREMISES LICENCE – **VNG Stores 128 Above Bar Street Southampton SO14 7DU**

DATE OF HEARING 28th June 2023 15.00 Hours

REPORT OF SERVICE DIRECTOR – PLACE

E-mail licensing@southampton.gov.uk

Application Date : 4th May 2023 Application Received 4th May 2023

Application Valid : 4th May 2023 Reference : **2023/01618/01SPRN**



© Crown copyright and database rights 2014 Ordnance Survey 100019679

Representations from Responsible Authorities

Responsible Authority	Satisfactory?
Licensing	Objection
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	Objection	
Trading Standards	No Response	
Other Representations		
Name	Address	Contributor Type

Legal Implications

The legislation specifically restricts the grounds on which the sub-committee may refuse an application for grant of a premises licence, or impose conditions. The legislation provides for a presumption of grant of an application for 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 grant 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 affect 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 grant 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 new premises application is for a small shop including off licence sales. It is in the City Centre Cumulative Impact Zone.

Applicant	VNG Stores Ltd.
Designated Premises Supervisor	Ashishkumar Vasantlal Gajjar

Licensable Activities.

Supply by retail of alcohol	
Monday	07:00 - 23:30
Tuesday	07:00 - 23:30
Wednesday	07:00 - 23:30
Thursday	07:00 - 23:30
Friday	07:00 - 00:00
Saturday	07:00 - 00:00
Sunday	07:00 - 23:00

Included in Report

Application

Plan

Police Objection

Licensing Objection

Hearing Procedures

**Application for a premises licence to be granted
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 VNG STORES LTD

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description VNG STORES 128 ABOVE BAR STREET			
Post town	SOUTHAMPTON	Postcode	SO14 7DU

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£20,750.00

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | please complete section (B) |

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth:		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality:					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					

Current residential address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name VNG STORES LTD
Address 34 CLAREMONT CRESCENT SOUTHAMPTON SO15 4GQ
Registered number (where applicable) 13648935
Description of applicant (for example, partnership, company, unincorporated association etc.) PRIVATE LIMITED COMPANY
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)

OFF LICENCE AND CONVENIENCE STORE

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	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 4)		
Mon					
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Wed					
Thur			<u>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</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		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 4)			
Mon						
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)			
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 6)			
Fri						
Sat						
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			
Thur			<u>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</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	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 4)					
Mon								
Tue								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur								
Fri						<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 6)		
Sat								
Sun								

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	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 4)		
Mon					
Tue					
Wed					
Thur					
			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Fri					
Sat					
			<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 6)		
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	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 4)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur								
Fri						<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 6)		
Sat								
Sun								

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	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 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<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 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			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 3)	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 4)		
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 5)		
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 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)		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 4)			
Mon						
			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)			
Tue						
			<u>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</u> (please read guidance note 6)			
Wed						
Thur						
Fri						
Sat						
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Mon	07:00	23:30			
Tue	07:00	23:30			
Wed	07:00	23:30			
Thur	07:00	23:30			
Fri	07:00	00:00			
Sat	07:00	00:00			
Sun	07:00	23:00			
			<u>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</u> (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name MR ASHISHKUMAR VASANTLAL GAJJAR	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
Personal licence number (if known) 2011/00140/LAPER	
Issuing licensing authority (if known) BRIGHTON & HOVE COUNCIL	

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 9).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	07:00	23:30	
Tue	07:00	23:30	
Wed	07:00	23:30	
Thur	07:00	23:30	
Fri	07:00	00:00	
Sat	07:00	00:00	
Sun	07:00	23:00	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

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

1. CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from the council.
2. The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises.
3. The CCTV system shall display on any recordings, the correct date and time of the recording.
4. A member of staff trained in the use of the CCTV system shall be available at the premise at all times that the premises are open to the public.
5. A CCTV camera shall be installed to cover the entrance of the premises and further cameras installed to cover the internal area and servery counter.
6. A suitable intruder alarm complete with panic button shall be fitted and maintained.
7. An incident log shall be kept at the premises, and made available for Inspection on request to an authorised officer of the council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
9. All staff employed at the premises will have UK right to work status checked, once passed that stage they shall be offered employment.

c) Public safety

1. Fire exit signs displayed
2. CCTV working at all times

d) The prevention of public nuisance

1. 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
2. Strict policy in place to tell all staff not to serve alcohol to drunks at all
3. Appropriate signage will be displayed, in prominent position informing customers they are being recorded on CCTV

e) The protection of children from harm

1. A challenge 25 policy will be in force, where any person looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. Challenge 25 posters displayed where alcohol is sold.
2. The only acceptable ID will be those with photographic identification documents, including passport, photo-card, driving license or proof of age card bearing the PASS hologram.
3. An refusal book shall be kept at the premises and updated as and when required, and made available for inspection on request to an Licensing Officer, Police or other responsible authority.
4. The licensee will ensure that staff are trained regularly as appropriate in respect to the Licensing Act 2003 legislation, staff to be trained regularly in underage sales prevention.
5. A sign stating “No proof of age – No sale” shall be displayed at the point of sale.

Checklist:

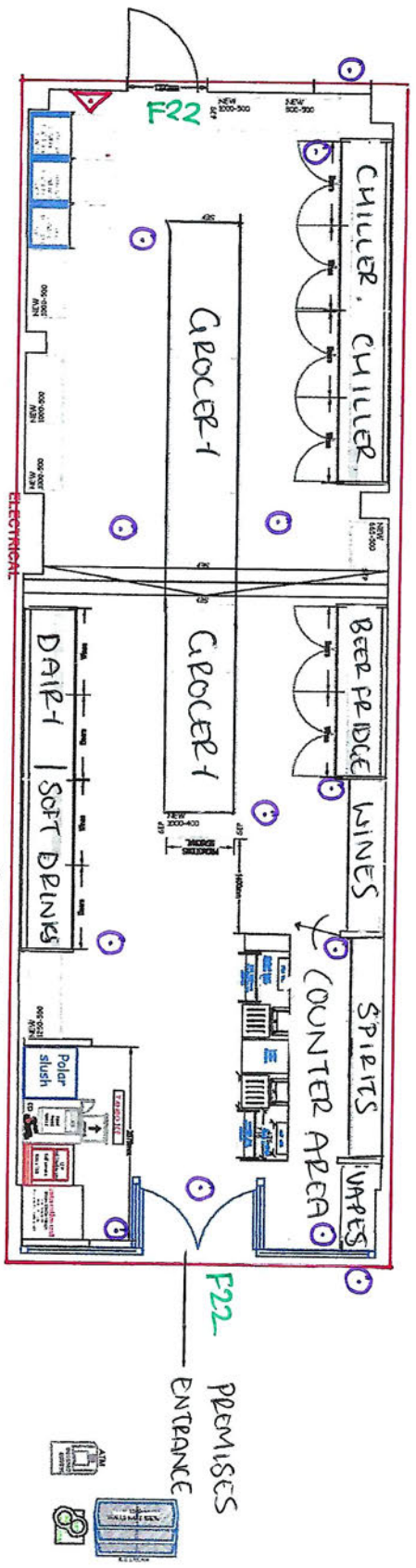
Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

PROPOSED LICENSING FLOOR PLAN



- N01
- N02
- N03
- N05
- N27
- N28
- N29
- N30
- N32
- N33
- N35
- N50

PLEASE SIGN

PLEASE TO THIS PLAN AND ACCEPT THAT THE QUOTE IS BASED ON THE INFORMATION PROVIDED. ITEMS NOT SHOWN ON THIS PLAN WILL BE CHANGED TO MEASUREMENTS.

CLIENT'S NAME	CLIENT'S SIGNATURE	CLIENT'S NAME	CLIENT'S SIGNATURE
SALES MAN NAME MATT SULLIVAN	SALES MAN SIGNATURE	PROJECT NAME ASH	PROJECT ADDRESS SOUTHAMPTON 28, ABOVE BAR ST, SOUTHAMPTON
		STARTING DATE	END DATE
		24.04.23	
		VERSION	DATE
		RVB	24.04.23
		DATE	
		24.04.23	
		STATUS	
		DRAFT	



PREMISES DETAILS:
 VNC, STORES LTD
 128 ABOVE BAR STREET,
 SOUTHAMPTON
 SO14 7DU

KEY:

- LICENSABLE
- ACTIVITY AREA
- CCTV
- FIRE EXIT SIGN
- △ FIRE EXTINGUISHER.

Scale: 1:100

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 checked="" type="checkbox"/>	1: New Premises licence/club prem certificate	Representation within 28 days
<input type="checkbox"/>	2: Variation of premises licence/club prem certificate	Representation within 28 days
<input type="checkbox"/>	3: Minor variation of premises licence/club prem certificate	Representation within 10 days
<input type="checkbox"/>	4: Variation of DPS	Object within 14 days
<input type="checkbox"/>	5: Transfer of premises licence	Object within 14 days
<input 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:	Surendra Panchal on behalf of VNG Stores LTD
Name of Proposed DPS:	Mr Ashishkumar Gajjar

Details of relevant conviction (Personal Licence Applications ONLY)

Postal address of premises:	182 Above Bar Street Southampton
Postcode:	SO14 7DU

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 checked="" type="checkbox"/> |

*Please select
one or more
boxes*

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

The chief of police raises a representation against this application for a new premises licence for VNG off licence store in Above Bar Street Southampton.

It is our view that the grant of this premises licence as applied with the hours requested would contribute further to existing levels of crime and disorder in the local area which is in the heart of the city centre. Further it would jeopardise public safety and create incidents of public nuisance.

The application was submitted to Southampton City Council and Hampshire Constabulary to the best of my knowledge were not consulted at any point prior to full application submission. This contradicts the S182 home office guidance.

In failing to consult prior to application the information contained within the application is poor. The location to which the premises seeks to obtain a licence sits firmly within the cultural quarter of the city. Whilst within the cultural quarter it is also within the Above Bar cumulative impact area. This premises, as an off licence is not exempt under the definitions within the cultural quarter as per the statement of licensing policy. Therefore the licence must be considered with the cumulative impact area in mind.

The licence application shows no acknowledgement of either of these factors at all, this is a poor starting point as the council policy states that there is a rebuttable presumption that applications within a defined stress area will be refused.

The applicant has failed to acknowledge this presumption with an application that offers little to uphold the licensing objectives, particularly in such a key city centre and stress location. I dare say that with such knowledge a more thorough application would have been submitted and pre-app consultation would no doubt have taken place as well as a list of volunteered conditions being attached.

The location of the licence is a concern for several reasons. Not only is it directly opposite the largest capacity nightclub venue in the city, it also sits beside busy pubs within a busy night time economy area. It is also a stones throw from the city's celebrated green space as the network of city centre parks lie directly behind this premises.

The nearby pubs and clubs sometimes have queues at their venues during night time economy hours in the evenings. This is because they have security and safety measures in place to uphold the licensing objectives and operate responsibly. These on licence locations that surround this premises are highly likely to see an adverse change to customer behaviour as a result of this premises if it were to be open at the same time.

There is a growing culture of pre-drinking widely acknowledged within the hospitality trade that

Form for representations/objections from Hampshire Constabulary

operate into the night. The availability of alcohol on the door step will only increase levels intoxication and risk to the staff at these nearby premises.

There is a concern that revellers will consume more alcohol prior to approaching the night time venues by attending this store, if seen to consume alcohol on approach to venues, they are generally turned away. Further the potential for persons turned away from night clubs for whatever reason could then see them attending this shop and they may be served as an off sale.

This could inadvertently arm a disgruntled reveller with a weapon such as glass who could then return to a nearby premises where they have recently departed or been rejected.

Such issues could arise through proxy sales in this situation as well with both disgruntled persons and those who are considered too intoxicated to enter elsewhere by having associates make purchases for them.

Furthermore there is no control whatsoever of the alcohol from this premises the moment it leaves the threshold of the store. Once the sale is complete there is nothing the store can do as a customer leaves. They cannot dictate where that customer goes with their purchase.

Consumption on the street or even in the parks would contribute to alcohol fuelled incidents, noise nuisance, litter and increase risk to public safety. The City council are clearly concerned by public alcohol consumption as this area has been covered by a public spaces protection order and has been since 2019 and the order is currently on it's 2nd extension until 2025.

Therefore this licence would contradict efforts to restrict public alcohol consumption and would only increase the likelihood of public intoxication in the streets and the parks.

All factors combined the premises will only have a negative impact on this area of the city particularly in the evenings.

Since the application has been received I have sent the applicant an e-mail stating my intention to submit a representation against it. I advised that the main concern is the time and requested conditions be offered to support the licensing objectives as well. Following the initial e-mail I sent a follow up chasing a reply as well.

To date I have not had no response, so I am concerned too by the lack of engagement from the applicants. I would suggest it is imperative to work and engage with the responsible authorities at such a critical phase for them.

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)

It is the recommendation of the police to refuse the application.

The measures offered within Section M of the application are not worded particularly well and the measures suggested are not enforceable or measurable. For example staff are to be trained regularly. This wording should be avoided as the word 'regularly' is too vague. Should the licence be granted the following conditions would be sought to added to the premises licence.

The sale of alcohol and opening hours of the premises to be no later than 2100 hours 7 days a week. If the opening hours are permitted longer than the licensable period the condition below in brackets is requested as well as all those below.

Form for representations/objections from Hampshire Constabulary

(All display units for alcohol will have lockable shutters, which will be closed and locked at the end of permitted hours for the sale of alcohol, and will not be unlocked again whilst the premises is open until the start of the authorised licensed hours on the following day)

1) The premises licence holder shall ensure that a system is in place to ensure that every individual who appears to be under 25 years of age seeking to purchase or be supplied with alcohol at or from the premises, shall produce acceptable means of identification and age confirmation. Acceptable identification shall be a passport, photo driving licence or PASS accredited photo ID. 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.

2) No beers, ciders or lager of 6.5% ABV or over shall be sold by retail unless they in a pack of 4 or more as supplied by the manufacturer

3) No single or any number of loose cans of any alcoholic beverage are to be sold to customers. No sales of any wine, prosecco or champagne bottles 200ml or under are to be sold at the premises. Any cans of beer, cider or any other form of pre-mixed drink must only be sold as a multi-pack as provided by the manufacturer and with a minimum size of 4.

4) No single shot drinks or spirit 25/50ml drinks are to be sold at the premises.

5) 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 31 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 Police Licensing Unit within 24 hours, and arrangements made to repair the fault without delay.

A competent trained person in the use of and operation of the CCTV must be in attendance at the premises at all times that licensable activities take place and there must be a person present, nominated by the data controller, who is able to fully operate the CCTV system to be able to download at the times of the visit onto a CD/DVD/USB stick or digitally send any information lawfully requested by any Responsible Authority.

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

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

Any incidents that include physical altercation or disorder, physical ejection, injury, id seizure or drug misuse 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. If incidents have occurred the duty manager will debrief 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.

This record will be retained for 12 months

7) No item shall be on display that encourages or promotes the use of taking drugs or psychoactive substances. This shall include 'poppers' and any paraphernalia that displays cannabis logos.

8) A written or digital log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the DPS.

The refusals log will be kept and maintained at the premises at all times 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.

9) A training package shall be in place in order for all staff involved with the sale or supply of alcohol to be sufficiently trained in licensing matters proportionate to their role and aware of their responsibilities. Particular attention should be paid to underage sales / ID verification, the refusal of alcohol sales to a drunk person, proxy sales and identifying potentially vulnerable persons. The training should include the process to record incidents and refusals and impart knowledge of the conditions of the premises licence. Records shall be kept of this training, dated and signed by the staff member and trainer, with refresher training intervals of no greater than 6 months. This training must be made available for inspection from Police and other responsible authorities immediately upon request.

Lastly :-

Clarity to be sought regarding the plan submitted with the licence as well regarding the 'Polar Slush'. I am aware that alcohol slush drinks are available and it would be objected to being sold at the premises if the licence holder has aspirations to do so.

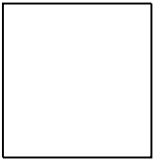
Signature of Officer Completing

Name Lee Scott

Collar Number: 25597

Signature: 

Date: 25/05/2023



Form for representations/objections from Hampshire Constabulary

Signature of Authorising Officer

Name	<u>S Jackson</u>	Collar Number:	<u>3354</u>
Signature:	<u>[REDACTED]</u>	Date:	<u>25/05/2023</u>

From: [Young, Tricia](#) on behalf of [Licensing](#)
To: [Idox DMS Licensing](#)
Subject: FW: Representation - VNG Stores LTD 182 Above Bar Street - 2023/01618/01SPRN - Police Rep
Date: 25 May 2023 14:23:28
Attachments: [G89 VNG STORES.doc](#)

From: Scott, Lee (25597) [REDACTED] >
Sent: Thursday, May 25, 2023 12:56 PM
To: Licensing [REDACTED] >; info@personallicencecourses.com
Cc: Jackson, Stuart (3354) [REDACTED] >
Subject: Representation - VNG Stores LTD 182 Above Bar Street

This Message Is From an External Sender

[Report Suspicious](#)

This message came from outside your organisation.

Good afternoon Licensing,

Hampshire Constabulary wish to raise a representation against the premises licence application for VNG Stores Ltd at 182 Above Bar Street Southampton. I have CC'd in the applicants to raise awareness of this representation however have previously sent two e-mails without reply.

Can you kindly acknowledge receipt of this e-mail.

Kind regards
Lee Scott

*PC 25597
Lee Scott
Licensing & Alcohol Harm Reduction Team
Southampton Central Police Station
EXT: 4744226*

[REDACTED]

This email contains information which is confidential and may also be privileged. It is for the exclusive use of the addressee(s) and any views or opinions expressed within are those of the originator and not necessarily those of the Force. If you are not the intended recipient(s) please note that any form of distribution, copying or use of this email or the information contained is strictly prohibited and may be unlawful. If you have received this communication in error please forward a copy to informationsecurity@thamesvalley.police.uk and to the sender. Please then

delete the email and destroy any copies of it. DO NOT use this email address for other enquiries as it will not be responded to, nor any action taken upon it. If you have a non-urgent enquiry, please call the Police non-emergency number 101. If it is an emergency, please call 999. Thank you.

**Licensing Team
Southampton and Eastleigh Licensing Partnership**



Southampton City Council
Civic Centre,
Southampton
SO14 7LY

Direct dial: 023 8083 3002
Our ref: 2023/01618/01SPRN

E-mail: licensing@southampton.gov.uk
Please ask for: Mr. Bates

Licensing Team,
Southampton and Eastleigh Licensing Partnership,
Civic Centre,
Southampton.
SO14 7LY

25th May 2023

Dear Sir or Madam,

Application by VNG Stores Ltd., for a premises licence pursuant to the Licensing Act 2003

I am writing on behalf of the Licensing Authority, as a Responsible Authority, to make a representation on the premises licence application for the above premises.

I consider the application will impact on the licensing objectives of: -

- The prevention of crime and disorder
- The prevention of public nuisance

The applicant is seeking to provide off sales of alcohol from 7am to 11:30pm Monday to Thursday, from 7am to 00:30 Friday and Saturday and 7am to 11pm on Sundays.

There is an increasing number of people living on the streets in the city centre and a number have alcohol and drug issues. The application states it will be policy not to serve drunks but does not address the issue of serving to people who will, given the opportunity, start drinking at 7am and continue through the day, becoming drunk and causing public nuisance. A condition restricting the sale of single cans and restrictions on high strength beers and ciders will be required to address this area.

Above Bar Street is one of the busiest streets in Southampton for both shopping and entertainment. The northern section has undergone a transformation in recent years with the introduction of the cultural quarter including a theatre and art gallery with a range of food led licensed premises to support the area. This is alongside the more traditional licensed premises already located in the street that support a vibrant nightlife with a mix of late night venues. The vast majority of the licensed premises within the Above Bar Street Cumulative Impact Policy stress area are in the northern section.

Despite significant reductions the area still suffers from alcohol related crime, disorder and public nuisance. The evidence used to support the stress area relates to crime and disorder levels after 7pm. The area is already densely populated with licensed venues, the majority of which provide sale by retail on the premises where customers are monitored. These other premises employ security to support the licensing objectives. A lot of this work will be undermined by the presence of an off licence where alcohol is sold as the individual is then not monitored as they consume the alcohol.

Southampton Street Pastors provide evidence of a significant amount of bottles found around the night time economy area which suggests people are pre-loading with alcohol before attending venues. They also report high levels of intoxication in the area at night. The provision of another off sales in the area is likely to exacerbate this issue.

To address this I would recommend alcohol sales finish no later than 9pm and at that point the alcohol is locked away out of view.

I have seen the objection raised by the police and support the proposals made out in their objection.

Yours faithfully,



Phil Bates
Licensing Manager

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.