

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

**SUBJECT** HEARING TO CONSIDER AN APPLICATION FOR GRANT OF A PREMISES LICENCE – **City News 8 Park Street Southampton SO16 4RJ**

**DATE OF HEARING** **Monday 23 October 2023 16.00**

**REPORT OF** **SERVICE DIRECTOR – PLACE**

**E-mail** [licensing@southampton.gov.uk](mailto:licensing@southampton.gov.uk)

Application Date : 29th August 2023      Application Received 29th August 2023

Application Valid : 29th August 2023      Reference : **2023/03081/01SPRN**



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

Responsible Authority	Satisfactory?
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	No Response	
Police - Licensing	Agreed Conditions	
Trading Standards	Agreed Conditions	
<b>Other Representations</b>		
<b>Name</b>	<b>Address</b>	<b>Contributor Type</b>
Ms. Sandhya Goswani	18 Romsey Road Southampton SO16 4DA	Trader

## ***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 application is for a New Premises licence for a convenience store.

<b>Applicant</b>	Miss Kurupa Patel
<b>Designated Premises Supervisor</b>	Krupa Patel

### **Licensable Activities.**

Supply by retail of alcohol
Monday 06:00 - 23:59
Tuesday 06:00 - 23:59
Wednesday 06:00 - 23:59
Thursday 06:00 - 23:59
Friday 06:00 - 23:59
Saturday 06:00 - 23:59
Sunday 07:00 - 23:00

## Conditions consistent with the operating Schedule

### 1 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 photo card driving licence, passport or photographic identification bearing the "PASS" logo and the persons 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.

### 2 REFUSAL LOG

A written log shall be kept of all refusals including refusals to sell alcohol. Details recorded must include date (day/month/year), time, product refused, reason for refusal, and the full name of the person who made the refusal. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the venue manager/manageress. The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Responsible Authorities. The record of refusals will be retained for 12 months.

### 3 CCTV

A colour recording CCTV system that captures images from the main public areas must be fully operational whilst licensable activities are taking place. The system shall be able to cope with all levels of illumination. The recording equipment shall be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system. i.e. Password protected. The system shall be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area. The system clock shall be checked regularly for accuracy taking account of GMT and BST. Digital systems shall have sufficient storage capacity for 28 days evidential quality recordings (minimum 4 frames per second).

The images produced shall be date and time stamped. A notice shall be displayed at the entrance to the premises advising that CCTV is in operation. An additional recording CCTV camera shall be installed and fully operational whilst the venue is open to the public to cover the area immediately outside the front of the premises. It is important that Responsible Authorities are able to access data from the systems quickly and easily and therefore provision shall be made that at all times a person is in attendance who is nominated by the data controller who has access to the secure area who is able to operate the equipment. Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of nominated staff. Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems) and to produce images to the police responsible authority for the purpose of the prevention and detection of crime as long as the request is lawful and complies with the data protection Act. In the event of a technical failure of the CCTV equipment, the premises licence holder or DPS shall notify the police licensing department responsible for the area within 24 hours.

#### 4 WORKING HOURS

That a log of work hours is kept for every member of staff that works at the premises, full time, part time, and temporary, including those who provide cover at any point when the shop is trading, or conducting activities in relation to trade. The record will consist of the staff member's name, the date (day/month/year), the times when the staff member commenced and finished work (expressed in the 24 hour clock). This must be completed at the time when the staff member commences and finishes work, by either the member of staff or his supervisor/manager. The record must be kept at the premises and be available to Responsible Authorities on request.

#### 5 INCIDENT BOOK

An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. This record shall be produced to a police officer or an authorised officer of the local authority on reasonable request. This record shall be retained for a period of 12 months.

#### 6 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 the training. In addition to their training a written test related to the training given will be conducted before the staff member is permitted to sell or authorise alcohol. The test will consist of a minimum of ten questions of which the pass rate is 80%. Anyone who fails to reach the prescribed pass rate will be retrained and re-tested. Anyone not attaining the pass rate will not be permitted to sell or authorise the sale of alcohol until the pass rate is attained. There will be a minimum of two sets of questions to be used in the training which will be rotated upon each subsequent six month training session. All training records will be made immediately available for inspection by Hampshire Constabulary and any responsible authority upon request. Training records will be kept for a minimum period of two years. Training records will be kept on the premises to which they relate to.

#### 7 HIGH STRENGTH ALCOHOL

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.

#### 8 SINGLE CAN CONDITION

No single cans of beers ciders or lager shall be sold to customers. Unless other non-alcoholic product purchases (excluding tobacco and tobacco sundries) are made totalling £5.00 or more in the same transaction.

The applicant has agreed conditions with both Hampshire Constabulary and Trading Standards. There has been one public representation and a petition against the application.

Included in Report

Application

Plan

Police Agreed Conditions

Trading Standards E-mail and Attached Letter - Agreed Conditions

Police and Trading Standards Conditions amalgamated.

1 Public Representation

Petition - Submitted by Sandhya Goswani

Hearing Procedures

**From:** Licensing <Licensing@southampton.gov.uk>

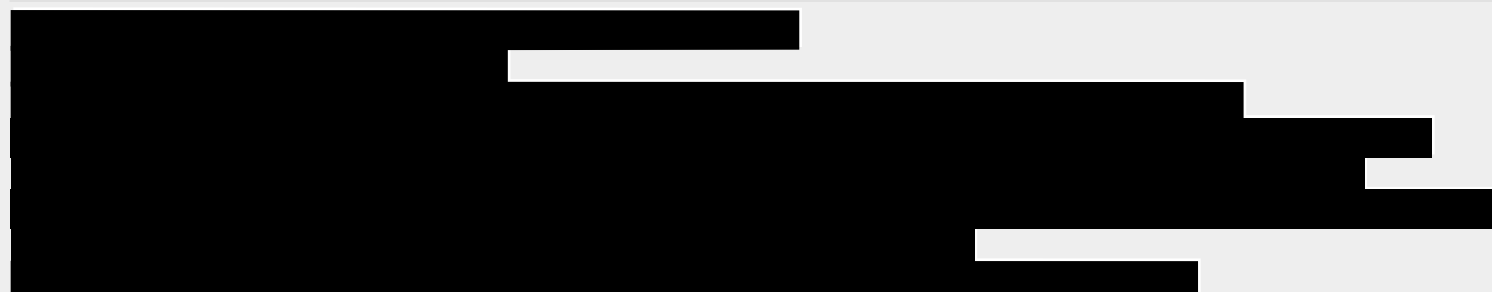
**Sent:** 29 Aug 2023 01:19:30

**To:** IdoxDMSLicensing@southampton.gov.uk

**Cc:**

**Subject:** FW: Application for a premises licence to be granted under the Licensing Act 2003 - HWV9EU27 - 2023/03081/01SPRN

**Attachments:** 82b4c846-bedb-4e9d-b48f-2a730b4af932.jpeg, SHOP PLAN.pdf, la03-application-consentdps-2-\_tcm63-363787 3.docx.pdf



## Southampton and Eastleigh Licensing Partnership

**Licensing authority:** Southampton City

Copy to  
Hampshire Constabulary  
Hampshire and Isle of Wight Fire and Rescue Service  
Environmental Health  
Trading Standards  
Planning  
Safeguarding Children  
Public Health  
Home Office

**Case reference number:** HWV9EU27

**Payment reference:** 430176089

**Payment amount:** £190.00

**Premises address:** 8 Park Street, Southampton, SO16 4RJ

**This email has been automatically generated so please do not reply to this message.**

### **Application for a premises licence to be granted under the Licensing Act 2003**

<b>Application reference:</b>	HWV9EU27
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#### **Before you begin**

<b>I confirm that I have read and understood</b>	True
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#### **About the premises**

<b>Premises address or location</b>	8 Park Street, Southampton, SO16 4RJ
<b>UPRN</b>	100062508725
<b>Local Authority:</b>	Southampton
<b>Which band/rateable value best describes your premises?</b>	Band B: £4301 - £33000
<b>Non-domestic rateable value of premises (£)</b>	8900
<b><u>Applicant type</u></b>	
<b>Applying as</b>	An individual(s)
<b>Additional option</b>	I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
<b><u>Details of individual 1</u></b>	
<b>Name</b>	Miss Krupa Patel
<b>Date of birth</b>	██████████
<b>Age</b>	██
<b>Address</b>	31 Shirley Park Road, Southampton, SO16 4FQ
<b>Email address</b>	██
<b>Phone number</b>	██████████
<b>Work entitlement proof</b>	Upload document
<b>Files uploaded</b>	0
<b>Is this a joint application?</b>	No
<b><u>Operating schedule</u></b>	
<b>When do you want the licence to start?</b>	01/10/2023
<b>Details of the premises</b>	The premises used as convenience store which sales daily essentials, Lottery, Paypoint, Tobacco and soft drinks in Shirley, Southampton
<b>Are 5,000 or more people expected to attend the premises at any one time</b>	No
<b>What licensable activities do you intend to carry out from the premises?</b>	Supply of alcohol
<b><u>Licensable activities</u></b>	
<b>Licensable activity: Supply of alcohol</b>	
<b>Activity</b>	Supply of alcohol
<b>Will the supply of alcohol be for consumption on or off the premises?</b>	Off the premises
	008



Monday	06:00-23:59
Tuesday	06:00-23:59
Wednesday	06:00-23:59
Thursday	06:00-23:59
Friday	06:00-23:59
Saturday	06:00-23:59
Sunday	07:00-23:00

**About the proposed designated premises supervisor**

Full name	Krupa
Date of birth	██████████
Address	██
Personal licence number (if known)	2023/04001/02SPEN
Issuing licensing authority (if known)	Southampton city council

**Adult entertainment**

Any adult entertainment or services, activities, other entertainment or matters additional to the use of the premises that may give rise to concern in respect to children	----NA----
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**Public opening hours**

Monday	06:00-00:30
Tuesday	06:00-00:30
Wednesday	06:00-00:30
Thursday	06:00-00:30
Friday	06:00-00:30
Saturday	06:00-00:30
Sunday	07:00-23:30

**Licensing objectives**

<b>1. The prevention of crime and disorder</b>	CCTV shall be installed and operated all the time when premises is open for licensable activities. Recordings shall be made available to responsible authorities. All incidences shall be reported to relevent authorities. All goods, including those subject to duty payments I. e. alcohol and tobacco products will be brought from cash and carries with invoices being available upon request. All alcohol shall be purchased from AWRS registered cash & carry and wholesalers.
<b>2. Public safety</b>	we will endeavour to insure that the premises is safe for both public and staff. A fire risk assessment will be taken.



<b>I hereby agree to abide by the statements set out above</b>	True
<b>The designated premises supervisor (DPS) named in this application is entitled to work in the UK (and is not subject to condition preventing them from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work checking service which confirmed their right to work</b>	Yes
<b>Are you signing on behalf of the applicant(s)</b>	No
<b>Name of person signing/notifier</b>	Krupa Patel



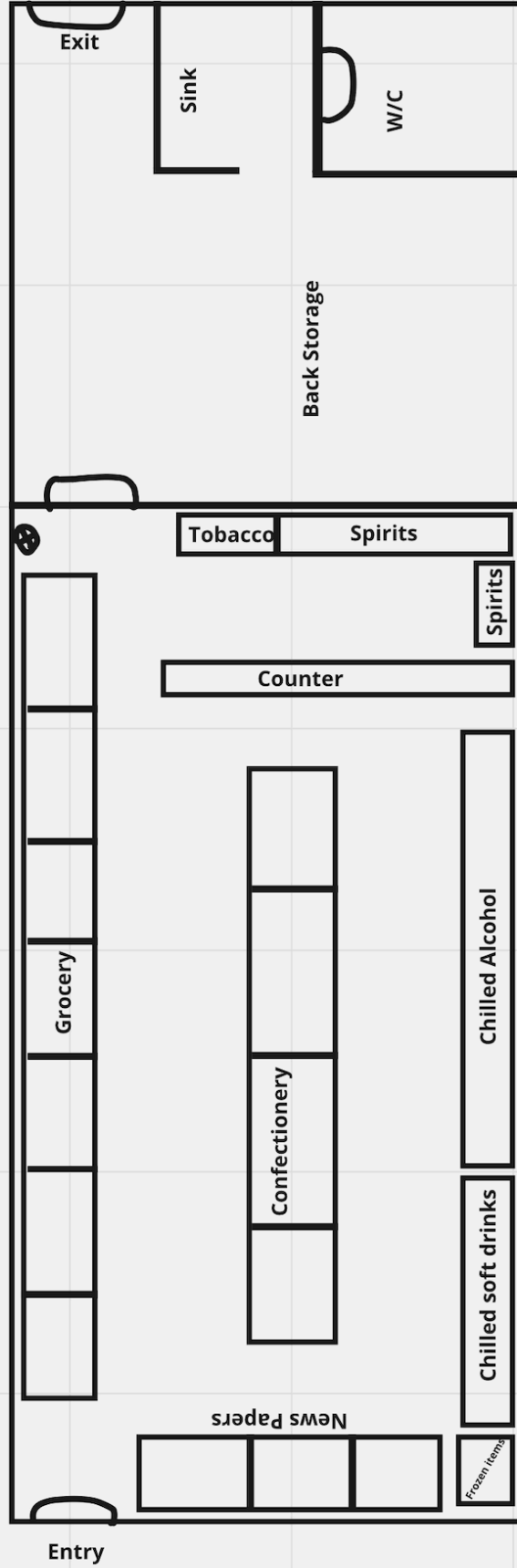
🕒 24h left to save your board.

📄 Sign up for free



📄 Share board

🚒 = Fire extinguisher



**From:** [Young, Tricia](#) on behalf of [Licensing](#)  
**To:** [Idox DMS Licensing](#)  
**Subject:** FW: Application for a premises licence to be granted under the Licensing Act 2003 - HWV9EU27 - 2023/03081/01SPRN  
**Date:** 12 September 2023 09:22:24

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**From:** Dimmer, Paul (3791) [REDACTED] >  
**Sent:** Tuesday, September 12, 2023 7:07 AM  
**To:** Licensing <[Licensing@southampton.gov.uk](mailto:Licensing@southampton.gov.uk)>  
**Subject:** FW: Application for a premises licence to be granted under the Licensing Act 2003 - HWV9EU27

**This Message Is From an External Sender**

[Report Suspicious](#)

This message came from outside your organisation.

Dear Licencing,

Please see the below correspondence in which Miss Patel has agreed to the below conditions, the police have no objections and a hearing is not required as long as these agreed conditions are added to Annex 2 of the licence if granted.

Many thanks  
PC 3791 DIMMER

Southampton  
Licensing & Alcohol Harm reduction Team & BWV SPOC

[REDACTED]  
[REDACTED]



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**From:** krupa patel <[REDACTED]>  
**Sent:** 11 September 2023 14:38  
**To:** Dimmer, Paul (3791) [REDACTED]  
**Subject:** Re: Application for a premises licence to be granted under the Licensing Act 2003 - HWV9EU27

**Caution:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe - If unsure email [report this message.](#)

Hello Mr Dimmer, just in addition, I do agree on all the conditions and am willing to follow them appropriately in future too. I had a request, would I be able to get permission to sell alcohol on the premises during the time I mentioned (6 am to 23:49pm) as proposed in the application.

Kind regards,  
Krupa Patel

On 8 Sep 2023, at 16:42, Dimmer, Paul (3791) <[REDACTED]> wrote:

*Dear Miss PATEL,*

As per our meeting today at 8 Park View, I have looked through your application and have read how you intend to uphold the 4 licensing objectives.

I wish to put those intentions into formal conditions that will be attached to your licence, they will be as follows:-

#### **CCTV**

A colour recording CCTV system that captures images from the main public areas must be fully operational whilst licensable activities are taking place.

The system shall be able to cope with all levels of illumination.

The CCTV system must be maintained in such a format to prevent tampering, i.e. password protected with access to password restricted to staff only, but all staff who are on duty must be able to access and use the system on the request of the police or an authorised officer.

The system shall be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area.

The system clock shall be checked regularly for accuracy taking account of GMT and BST.

Digital systems shall have sufficient storage capacity for 28 days evidential quality recordings (minimum 8 frames per second).

The images produced shall be date and time stamped.

A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.

#### **Challenge 25**

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.

All refusals and challenges shall be recorded in the refusals book.

#### **Incident Book**

An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature.

The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. This record shall be produced to a police officer or an authorised officer of the local authority on reasonable request. This record shall be retained for a period of 12 months.

#### **Refusals Log**

A written 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 venue manager/manageress.

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.

#### **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.

In addition to their training a written test related to the training given will be conducted before the staff member is permitted to sell or authorise alcohol. The test will consist of a minimum of ten questions of which the pass rate is 80%. Anyone who fails to reach the prescribed pass rate will be retrained and re-tested. Anyone not attaining the pass rate will not be permitted to sell or authorise the sale of alcohol until the pass rate is attained. There will be a minimum of two sets of questions to be used in the training which will be rotated upon each subsequent six month training session.

All training records will be made immediately available for inspection by Hampshire Constabulary and any responsible Authority upon request. Training records will be kept for a minimum period of two years. Training records will be kept on the licensed premises to which they relate to.

#### **Single Can Condition**

No single cans of beers ciders or lager shall be sold to customers. Unless other non-alcoholic product purchases (excluding tobacco and tobacco sundries) are made totalling £5.00 or more in the same transaction.

#### **High Strength Alcohol**

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.

**Please carefully read these conditions and if you agree to them, then please respond to this e-mail chain as soon as possible so that I can forward my recommendations onto the council.**

Many thanks

PC 3791 DIMMER

Southampton  
Licensing & Alcohol Harm reduction Team & BWV SPOC

Email: [REDACTED]

**From:** Southampton City Council <[noreply@southampton.gov.uk](mailto:noreply@southampton.gov.uk)>

**Sent:** 29 August 2023 11:24

**To:** [licensing@southampton.gov.uk](mailto:licensing@southampton.gov.uk); Licensing & Alcohol Harm Reduction Team Mailbox

[REDACTED]




**Subject:** Application for a premises licence to be granted under the Licensing Act 2003 - HWV9EU27

Southampton and Eastleigh Licensing Partnership	
<p><b>Licensing authority:</b> Southampton City</p> <p>Copy to Hampshire Constabulary Hampshire and Isle of Wight Fire and Rescue Service Environmental Health Trading Standards Planning Safeguarding Children Public Health Home Office</p> <p><b>Case reference number:</b> HWV9EU27</p> <p><b>Payment reference:</b> 430176089</p> <p><b>Payment amount:</b> £190.00</p> <p><b>Premises address:</b> 8 Park Street, Southampton, SO16 4RJ</p> <p><b>This email has been automatically generated so please do not reply to this message.</b></p>	
<b>Application for a premises licence to be granted under the Licensing Act 2003</b>	
<b>Application reference:</b>	HWV9EU27
<b>Before you begin</b>	
<b>I confirm that I have read and understood</b>	True
<b>About the premises</b>	
<b>Premises address or location</b>	8 Park Street, Southampton, SO16 4RJ

UPRN	100062508725
Local Authority:	Southampton
Which band/rateable value best describes your premises?	Band B: £4301 - £33000
Non-domestic rateable value of premises (£)	8900
<b><u>Applicant type</u></b>	
Applying as	An individual(s)
Additional option	I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
<b><u>Details of individual 1</u></b>	
Name	Miss Krupa Patel
Date of birth	16/05/2002
Age	21
Address	31 Shirley Park Road, Southampton, SO16 4FQ
Email address	████████████████████
Phone number	██████████
Work entitlement proof	Upload document
Files uploaded	0
Is this a joint application?	No
<b><u>Operating schedule</u></b>	
When do you want the licence to start?	01/10/2023
Details of the premises	The premises used as convenience store which sales daily essentials, Lottery, Paypoint, Tobacco and soft drinks in Shirley, Southampton
Are 5,000 or more people expected to attend the premises at any one time	No
What licensable activities do you intend to carry out from the premises?	Supply of alcohol
<b><u>Licensable activities</u></b>	
<b>Licensable activity: Supply of alcohol</b>	
Activity	Supply of alcohol
Will the supply of alcohol be for consumption on or off the premises?	Off the premises
Monday	06:00-23:59
Tuesday	06:00-23:59
Wednesday	06:00-23:59



Thursday	06:00-23:59
Friday	06:00-23:59
Saturday	06:00-23:59
Sunday	07:00-23:00
<b><u>About the proposed designated premises supervisor</u></b>	
Full name	Krupa
Date of birth	████████
Address	██
Personal licence number (if known)	2023/04001/02SPEN
Issuing licensing authority (if known)	Southampton city council
<b><u>Adult entertainment</u></b>	
Any adult entertainment or services, activities, other entertainment or matters additional to the use of the premises that may give rise to concern in respect to children	---NA---
<b><u>Public opening hours</u></b>	
Monday	06:00-00:30
Tuesday	06:00-00:30
Wednesday	06:00-00:30
Thursday	06:00-00:30
Friday	06:00-00:30
Saturday	06:00-00:30
Sunday	07:00-23:30
<b><u>Licensing objectives</u></b>	
<b>1. The prevention of crime and disorder</b>	CCTV shall be installed and operated all the time when premises is open for licensable activities. Recordings shall be made available to responsible authorities. All incidences shall be reported to relevant authorities. All goods, including those subject to duty payments I. e. alcohol and tobacco products will be brought from cash and carries with invoices being available upon request. All alcohol shall be purchased from AWRS registered cash & carry and wholesalers.
<b>2. Public safety</b>	we will endeavour to insure that the premises is safe for both public and staff. A fire risk assessment will be taken. Fire exit signs displayed. To comply with all current fire, health and safety laws.
<b>3. The prevention of public nuisance</b>	Noise mustn't emanate from the premises so

	<p>as to cause a nuisance to nearby properties. Prominent clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and nearby area quietly.the local neighbourhood.</p> <p>Notice displayed asking customers to leave quietly from premises also customers will be told in person to leave quietly and not to disturb</p>
<b>4. The protection of children from harm</b>	<p>The licensee shall adopt the challenge 25 and the BII national standards proof of the age scheme.</p> <p>The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The licensee shall keep records of training and instruction given to staff.</p> <p>The staff make sure that before serving alcohol to young persons, staff ask to see accredited proof of age. The licensee and staff should note any refusal to sell to young people in refusals log. The refusals log shall be made available for inspection by licensing team, Police and trading standards.</p>
<b>General steps taken to achieve all four objectives</b>	<p>Challenge 25 policy to be in place at all times.</p> <p>CCTV to be installed and staff trained to download images when required.</p> <p>All staff to be trained in responsible alcohol retailing.</p> <p>Trining manual will be available at the premises.</p>
<b><u>Supporting documents</u></b>	
<b>Total file uploads</b>	
<b><u>Checklist</u></b>	
<b>Please check which of the following you have completed</b>	<p>Uploaded plan of the premises, Understood that a copy of this application will be sent to the relevant authorities, Understood I must advertise my application, Uploaded consent form completed by the individual I wish to be designated premises supervisor, Understood that if I do not comply with the above requirements my application will be rejected</p>
<b><u>Contact details</u></b>	
<b>Contact name</b>	Krupa Patel
<b>Address</b>	
<b>Contact email</b>	
<b>Contact phone number</b>	

<b><u>Fee exemption</u></b>	
Believes exempt to fees under legislation	No
<b><u>Declaration</u></b>	
I hereby agree to abide by the statements set out above	True
The designated premises supervisor (DPS) named in this application is entitled to work in the UK (and is not subject to condition preventing them from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work checking service which confirmed their right to work	Yes
Are you signing on behalf of the applicant(s)	No
Name of person signing/notifier	Krupa Patel

[Redacted text block]

[Redacted text block]

**From:** [Young, Tricia](#) on behalf of [Licensing](#)  
**To:** [Idox DMS Licensing](#)  
**Subject:** FW: City News Licence application - 2023/03081/01SPRN  
**Date:** 21 September 2023 15:52:49  
**Attachments:** [City News objection letter 2023.doc](#)

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**From:** Marshall, Lucas [REDACTED]  
**Sent:** Wednesday, September 20, 2023 8:28 AM  
**To:** Licensing <[Licensing@southampton.gov.uk](mailto:Licensing@southampton.gov.uk)>  
**Cc:** McGuinness, Ian [REDACTED]  
**Subject:** City News Licence application

Dear Sir/Madam

I write with reference to Krupa Patel's Premises Licence application, which relates to City Wines, 8 Park Street, Southampton. I have attached a letter which outlines failures to meet the Licensing Objectives, to Prevent Crime and Disorder, and to Protect Children from Harm, whilst the premises was under the control of Krupa Patel's parents, Rajendrakumar and Bhavitabehen Patel, namely underage sale of alcohol by a person not permitted to work in the UK, and a further under age sale by the then 15 year old brother of Krupa. Following receipt of the application I spoke to Krupa Patel by phone and I visited the premises, and details of the conversation and visit are within the letter.

I have proposed conditions relating to diligence within the letter, mainly the prevention of under age sales, which are aimed at assisting Krupa Patel in the management of the premises in accordance with the Licensing Objectives. Krupa Patel has stated, in her e-mail below, that she will accept those conditions and as such Trading Standards would not consider a hearing necessary.

Yours sincerely

Lucas Marshall  
Trading Standards Officer  
Southampton City Council  
[REDACTED]

---

**From:** krupa patel [REDACTED] >  
**Sent:** Tuesday, September 19, 2023 10:10 PM  
**To:** Marshall, Lucas <[REDACTED]>  
**Subject:** Re: City News Licence application

You don't often get email from [REDACTED]

**This Message Is From an External Sender**

This message came from outside your organisation.

[Report Suspicious](#)

Hello Mr Marshall, I accept the conditions you have proposed in the attached letter. I understand there were some mistakes made in the past however, it has been a few years and under no circumstances I am going to repeat the owner's actions at that time. I have learnt positive things from the owner to run this business successfully without any complications. You will not have to worry about any errors as I am willing to follow all the guidelines and conditions appropriately.

Kind regards,  
Krupa Patel

On 18 Sep 2023, at 09:16, Marshall, Lucas <[REDACTED]>  
wrote:

Dear Miss Patel

I write with reference to your application for a Premises Licence at City News, 8 Park Street, Southampton.  
I have attached a letter, which highlights concerns that Trading Standards have which relate to the licensing Objectives; To Prevent Crime and Disorder, and To Protect Children From Harm, namely the employment of a member of staff who was not permitted to work in the UK and the under age sale of age restricted goods at the premises. I have proposed conditions in the letter which are aimed at assisting you, should you become Premises Licence Holder, in your management of the premises in accordance with the Licensing Objectives. If you are agreeable to acceptance of the conditions Trading Standards would not see it necessary to submit the attached letter of objection. Please let me know, by way of e-mail, how you wish to proceed.

Yours sincerely

Lucas Marshall  
Trading Standards Officer  
Southampton City Council  
[REDACTED]

This email is confidential but may have to be disclosed under the Freedom of Information Act 2000, Environmental Information Regulations 2004 or data protection legislation. If you are not the person or organisation it was meant for, apologies, please ignore it, delete it, and notify us. SCC does not make legally binding agreements or accept formal notices/proceedings by email. E-mails may be monitored. This email (and its attachments) is intended only for the use of the person(s) to whom it is addressed, and may contain information that is privileged and/or confidential. If it has come to you in error, you must take no action based on it, nor must you copy or show it to anyone.

Our Privacy Policy (<http://www.southampton.gov.uk/privacy>) explains how we handle your personal data

<City News objection letter 2023.doc>

## Trading Standards Service

Southampton City Council  
Civic Centre  
Southampton S014 7LY

Direct dial: [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

Please ask for: Lucas Marshall

Our ref:

Your ref:

14<sup>th</sup> September 2023

Licensing  
Southampton City Council  
PO Box 1767  
Southampton  
SO18 9LA

Dear Sir/Madam

### Licensing Act 2003

I write with reference to Krupa Patel's application for a premises licence at 8 Park Street, Southampton, SO16 4RJ, a copy of which has been received by Southampton City Council's Trading Standards Service. I wish to notify you that Trading Standards make representation to object to the granting of a licence to Krupa Patel, and outline the reasons for the objection below.

Krupa News Shirley Ltd currently trades as City News, a convenience store at 8 Park Street, Southampton. The directors of the company are Rajendrakumar and Bhavitabahen Patel. A Premises Licence has previously been held by Bhavitabahen Patel at 8 Park Street. However this was surrendered following joint Police/Trading Standards work conducted at the premises: in October 2016 alcohol had been sold by a person who was not permitted to work in the UK to a 15 year old child, an offence under Section 146 of the Licensing Act 2003.

On 9<sup>th</sup> July 2019 Southampton City Council's Trading Standards Service conducted an under age sales exercise. A 17 year old girl, acting under my instructions, purchased a packet of cigarettes from 8 Park Street, Southampton. The cigarettes were sold to the child by the 15 year old son of Rajendrakumar and Bhavitabahen Patel, an offence under Section 7(1) of the Children and Young Persons Act 1933 (as amended).

During discussions following the sale and a subsequent interview under caution it was clear that basic precautions to prevent underage sales had not been in place, including records evidencing training for each person working at the premises, and there was a failure to accept that all persons who work at the premises, including those who are there on a short term basis, are likely to sell age restricted products and as such should be trained to the same standard as permanent staff. There was little knowledge demonstrated on the Licensing Objectives

Following receipt of Krupa Patel's application I contacted her to further discuss. Krupa Patel is the daughter of Bhavitabahen and Rajendrakumar Patel, the Directors of Krupa News Shirley Ltd, and Bhavitabahen Patel was the Premises Licence Holder at the time of the above incidents. Krupa News Shirley Ltd will remain owner of the business should Krupa Patel become PLH. Krupa Patel told me that she is being taught how to run the business by her parents, and that her parents will remain employed at the business should she get the licence, along with one other employee, a foreign student permitted to work no more than 20 hours per week.

I do have concerns that the owner of the business at the time that the above incidents took place will remain in control of the business, and may have an influence over activities there should Krupa be granted the licence. I would therefore propose that the following conditions be added to the

licence, to assist the applicant in managing the premises in accordance with the Licensing Objectives . Should these be accepted by the applicant Trading Standards would not see a need for hearing;

#### 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 photo card driving licence, passport or photographic identification bearing the "PASS" logo and the persons 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.*

#### STAFF TRAINING

*Before commencing their duties all new staff must receive information and training concerning the sale of age-restricted products. This training must cover their legal responsibilities and action to be taken in the event of suspicions being aroused that someone is purchasing or attempting to purchase an item under the legal age. All employees will sign a record to acknowledge that they have completed this training and have understood their responsibilities on this area. The contents of this training and the record must be available to Responsible Authorities on request. This training should be reviewed and updated at reasonable intervals but at least annually.*

#### REFUSALS BOOK

*A written log shall be kept of all refusals including refusals to sell alcohol. Details recorded must include date (day/month/year), time, product refused, reason for refusal, and the full name of the person who made the refusal. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the venue manager/manageress.*

*The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Responsible Authorities.*

*The record of refusals will be retained for 12 months.*

#### CCTV

*A colour recording CCTV system that captures images from the main public areas must be fully operational whilst licensable activities are taking place.*

*The system shall be able to cope with all levels of illumination.*

*The recording equipment shall be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.*

*The system shall be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area.*

*The system clock shall be checked regularly for accuracy taking account of GMT and BST.*

*Digital systems shall have sufficient storage capacity for 28 days evidential quality recordings (minimum 4 frames per second).*

*The images produced shall be date and time stamped.*

*A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.*

*An additional recording CCTV camera shall be installed and fully operational whilst the venue is open to the public to cover the area immediately outside the front of the premises.*

*It is important that Responsible Authorities are able to access data from the systems quickly and easily and therefore provision shall be made that at all times a person is in attendance who is nominated by the data controller who has access to the secure area who is able to operate the equipment*

*Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of nominated staff.*

*Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems) and to produce images to the police responsible authority for the purpose of the prevention and detection of crime as long as the request is lawful and complies with the data protection Act.*

*In the event of a technical failure of the CCTV equipment, the premises licence holder or DPS shall notify the police licensing department responsible for the area within 24 hours.*

**Work Hours**

*That a log of work hours is kept for every member of staff that works at the premises, full time, part time, and temporary, including those who provide cover at any point when the shop is trading, or conducting activities in relation to trade. The record will consist of the staff member's name, the date (day/month/year), the times when the staff member commenced and finished work (expressed in the 24 hour clock). This must be completed at the time when the staff member commences and finishes work, by either the member of staff or his supervisor/manager. The record must be kept at the premises and be available to Responsible Authorities on request.*

For information On 13<sup>th</sup> September 2023 I conducted an inspection at City News. There was one person working at the shop, a student from India who was permitted to work for 20 hours per week during term time. I asked him regarding training, and he confirmed that he had been trained on prevention of under age sales; the shop currently sells age restricted items including cigarettes, vapes and lottery tickets. He could not find his training records. He did provide a refusals record, which had routinely been used to record refused sales of age restricted goods, including by himself. The premises was found to be compliant with regard to checks that I conducted on tobacco and food products. Various items of drugs paraphernalia were for sale, including a gas mask bong, crack pipes, and cannabis grinders, though these are, unfortunately, commonplace at many retailers.

Yours faithfully

Lucas Marshall  
**Trading Standards Officer**

Cc. Hampshire Constabulary, Licensing,  
Krupa News Shirley Ltd, 8 Park Street, Southampton, SO16 4RJ

If you require this letter or future correspondence from us in a different format (e.g. tape, Braille, or disc) please do not hesitate to let us know.



**From:** [Young, Tricia](#)  
**To:** [Idox DMS Licensing](#)  
**Subject:** FW: City News 8 Park Street SO16 4RJ - 2023/03081/01SPRN  
**Date:** 21 September 2023 15:20:10  
**Importance:** High

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**From:** Young, Tricia  
**Sent:** Thursday, September 21, 2023 3:05 PM  
**To:** Idox DMS Licensing <IdoxDMSLicensing@southampton.gov.uk>  
**Subject:** FW: City News 8 Park Street SO16 4RJ - 2023/03081/01SPRN  
**Importance:** High

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**From:** Young, Tricia  
**Sent:** Thursday, September 21, 2023 3:04 PM  
**To:** [paul.dimmer](#) [REDACTED] Marshall, Lucas [REDACTED]  
**Cc:** McGuinness, Ian [REDACTED] >  
**Subject:** City News 8 Park Street SO16 4RJ - 2023/03081/01SPRN  
**Importance:** High

Paul/Lucas

You have both agreed conditions with Miss Patel for the above application but a few of them would be the same. I have therefore taken the following bits from both your representations. Can you let me know if you are both happy with these and if you are this will be what appears on the licence when issued.

#### **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 photo card driving licence, passport or photographic identification bearing the "PASS" logo and the persons 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.**

#### **REFUSALS BOOK**

**A written log shall be kept of all refusals including refusals to sell alcohol. Details recorded must include date (day/month/year), time, product refused, reason for refusal, and the full name of the person who made the refusal. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the venue manager/manageress.**

**The refusals log will be kept and maintained at the premises and will be available for**

inspection immediately upon request by Responsible Authorities.

The record of refusals will be retained for 12 months.

-

### **CCTV**

A colour recording CCTV system that captures images from the main public areas must be fully operational whilst licensable activities are taking place.

The system shall be able to cope with all levels of illumination.

The recording equipment shall be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system. i.e. Password protected.

The system shall be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area.

The system clock shall be checked regularly for accuracy taking account of GMT and BST.

Digital systems shall have sufficient storage capacity for 28 days evidential quality recordings (minimum 4 frames per second).

The images produced shall be date and time stamped.

A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.

An additional recording CCTV camera shall be installed and fully operational whilst the venue is open to the public to cover the area immediately outside the front of the premises.

It is important that Responsible Authorities are able to access data from the systems quickly and easily and therefore provision shall be made that at all times a person is in attendance who is nominated by the data controller who has access to the secure area who is able to operate the equipment

Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of nominated staff.

Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems) and to produce images to the police responsible authority for the purpose of the prevention and detection of crime as long as the request is lawful and complies with the data protection Act.

In the event of a technical failure of the CCTV equipment, the premises licence holder or DPS shall notify the police licensing department responsible for the area within 24 hours.

### **Work Hours**

That a log of work hours is kept for every member of staff that works at the premises, full time, part time, and temporary, including those who provide cover at any point when the shop is trading, or conducting activities in relation to trade. The record will consist of the staff member's name, the date (day/month/year), the times when the staff member commenced and finished work (expressed in the 24 hour clock). This must be completed at the time when the staff member commences and finishes work, by either the member of staff or his supervisor/manager. The record must be kept at the premises and be available to Responsible Authorities on request.

### **Incident Book**

An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature.

The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. This record shall be produced to a police officer or an authorised officer

of the local authority on reasonable request. This record shall be retained for a period of 12 months.

### **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.

In addition to their training a written test related to the training given will be conducted before the staff member is permitted to sell or authorise alcohol. The test will consist of a minimum of ten questions of which the pass rate is 80%. Anyone who fails to reach the prescribed pass rate will be retrained and re-tested. Anyone not attaining the pass rate will not be permitted to sell or authorise the sale of alcohol until the pass rate is attained. There will be a minimum of two sets of questions to be used in the training which will be rotated upon each subsequent six month training session.

All training records will be made immediately available for inspection by Hampshire Constabulary and any responsible Authority upon request. Training records will be kept for a minimum period of two years. Training records will be kept on the licensed premises to which they relate to.

### **Single Can Condition**

No single cans of beers ciders or lager shall be sold to customers. Unless other non-alcoholic product purchases (excluding tobacco and tobacco sundries) are made totalling £5.00 or more in the same transaction.

### **High Strength Alcohol**

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.

Tricia Young  
Licensing Officer

Please note I am only in the office on Monday, Tuesday and Thursday at the present time

**Southampton and Eastleigh Licensing Partnership**  
**Southampton City Council**



E-mail: [licensing@southampton.gov.uk](mailto:licensing@southampton.gov.uk)

Web: [www.southampton.gov.uk/licensing](http://www.southampton.gov.uk/licensing) or [www.eastleigh.gov.uk/licensing](http://www.eastleigh.gov.uk/licensing)

Post: Licensing – Southampton City Council

Civic Centre Southampton SO14 7LY

Sandhya Goswami  
18 Romsey Road  
Shirley  
Southampton  
SO16 4RJ

18/09/2023

The Licensing Team  
Southampton City Council  
P.O. Box 1767  
Southampton  
SO18 9LA

RE: License Application for Krupa News, 8 Park Street Southampton SO16 4RJ

Dear Sirs

I would like to make my representations to the above application on the four licensing objectives.

I strongly oppose the application and granting the license will undermine the four licensing objectives.

#### **Prevention of Crime and Disorder**

The same family had a premises license in the parade for a different shop and criminal activities were carried out by employing an illegal person to the best of my knowledge. I am concerned that these poor business practices are likely to be replicated if the new license is granted.

1. Krupa Patel – Daughter of Rajendrakumar Patel & Bhawitaben Patel (using daughters to get the license – same management)
2. Applied in 2019 for Premises License got rejected.
3. We took over the shop in 2017 because of their bad reputation & black history of selling underage & we got condition of not able to sell single cans.
4. Under Counter – Vodka and Cigarettes were asked by the customer to us when we took over (such was the bad reputation).
5. We have maintained the status fearing loss because of the condition.
6. If they are given a chance, they will do it again & bring bad name to us as they have the habit of saying that both the shops are theirs.
7. They removed their company name KRUPA NEWSAGENTS from the sign as well and if they don't have any bad intentions then why it has been removed.

#### **Public Safety**

The applicant does not show any measures to be taken for the above objective apart from the risk assessment. Prevention of street drinkers and safety measures are not in place, the area is struggling with litter collection. Unfortunately, we have witnessed a rise in issues with substance abuse and drug dealing within the vicinity of the proposed premises and adding the availability of alcohol in the late hours after the pubs are closed will be a huge concern to us. There is no provision made of when the deliveries are going to take place which again will be a huge concern to the safety and public nuisance.

#### **Public Nuisance**

What action is to be taken to stop the noise emanating from the premises? Are the windows double glazed? How will the people be stopped from drinking outside the premises during the late hours in the night? There are many unanswered questions, and I am sure the responsible authorities will be concerned with the records of the present applicant and its associates.

### **The Protection of Children from Harm**

There are four schools around the area and the applicant has not shown how this will be taken care of during term time. From my knowledge this being a newsagent shop, we have noticed during term time the shop is visited by children in the mornings going to the school and during the school leaving time in the afternoon from 15.00 hrs onwards.

The applicant clearly does not understand the councils licensing policy nor the licensing act 2003 as the Blue Notice required by law was not visible contravening the Licensing Act and after this was brought to the notice the application had to be restarted.

- They had history of selling underage, lost the license still in 2019, son found selling cigarettes, who has himself underage at the time of sale made.

The council will be aware that businesses in this situation will sometimes make applications for new licenses in alternative locations and under different names, including that of friends or family members etc. to get around a previous license which is surrendered or revoked. Although there is some evidence of a direct correlation between the applicant and the license holder of a shop nearby, the council is obliged to scrutinise all such matters in detail to ensure the Prevention of Crime and Disorder.

In consideration of this application, I would strongly urge the Licensing team to refuse the application. I am willing if required to attend the licensing sub committees meeting. I can be contacted on the above address or can be emailed for any further details required.

Yours Faithfully

Sandhya Goswami

Petition to Stop Retail Sale of Alcohol at Krupa News Shirley Ltd, Krupa News,

8 Park Street Southampton SO16 4RJ

Petition Summary : We the local residents are very concerned with the above application as the four licensing objectives will be at a risk on the following grounds

Crime and Disorder: There will be an increase in street drinkers in the area attracting more crime. The applicant has not shown any control on the strength of alcohol to be sold.

Public Safety: Apart from fire risk assessment there is no other safety shown such as where the alcohol will be purchased from as this is the same family that had a nearby shop when breaching the licensing conditions.

Children From Harm: This objective was to the best of our knowledge breached previously by the same family and we do not have confident.

NAME	ADDRESS	SIGN	DATE	COMMENT
Hardik	443-A, Millbrook Road		9/09/23	-
Danny	3 Claremont Crescent SO15 4GB		10/09/23	-
Tomaz	378 Hill Lane		9/09/23	
PROF N.	168A Regents Park Road		9/9/23	
John W	Flat 2 Park St		10/09/23	Licensee in shop
KRYSTIAN	245 FOUNDRY LANE SO15 3JZ		9/09/23	
S. LITWIN	2 ALEXANDER ROAD SO15 8PW		9/10/23	
J KLIM	KING EDWARD AVENUE		10/09/22	
K. Gidycz	240 CLIFTON ROAD		9/09/23	
D. Lipow	SO15 4AS		9.09.2022	
Tomaz	SO15 8PB		9.09.23	
DR. WILK	SO15 0AS.		19.09.23	
R. Ganev	SO16 8TD		20.9.23	
Antal Gaber Gadi	SO16 4FM		20/09/2023	
PROF MURRAY	SO16 6LQ		20.09.23	
R. Sackville	SO15 5EQ		20.09.23	
M. Whitlock	SO16 5NF		20-09-23	
R. PINK	SO15 8NY		20-9-23	
Bradley A	SO16 4GG		20.9.23	
Jade P-w	SO15 4PE		20.9.23	
M. Welch	SO16 4FA		20.9.23	corruption





### **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.