

HAVANT BOROUGH COUNCIL
PUBLIC SERVICE PLAZA
CIVIC CENTRE ROAD
HAVANT
HAMPSHIRE P09 2AX

Telephone: 023 9247 4174
Fax: 023 9248 0263
Website: www.havant.gov.uk



Cleaner, Safer,
More Prosperous

LICENSING COMMITTEE AGENDA

Membership: Councillor Wilson (Chairman)

Councillors Edwards, Francis, Farrow, Galloway, Gibb-Gray, Kerrin, Pierce Jones, Ponsonby, Sceal, Shimbart, Smith K (Vice-Chairman), Tarrant and Wade

Meeting: Licensing Committee

Date: Wednesday 24 September 2014

Time: 5.00 pm

Venue: Hollybank Room, Public Service Plaza, Civic Centre Road,
Havant, Hants PO9 2AX

The business to be transacted is set out below:

Jo Barden-Hernandez
Service Manager – Legal & Democratic Services

16 September 2014

Contact Officer: *Tristan Fieldsend* (023) 9244 6233
Email: tristan.fieldsend@havant.gov.uk

PART 1 (Items open for public attendance)

1 Apologies

To receive apologies for absence.

2 Minutes

To confirm the minutes of the meetings of the Licensing Committee held on 28 May 2014 and 11 June 2014

3 Matters Arising

To consider any matters arising from the minutes of the previous

Page

1 - 6

meeting.

4 Declarations of Interests

To receive and record any declarations of interests from members present in respect of any of the various matters on the agenda for this meeting.

5 Licensing Sub-Committee

7 - 18

To approve the minutes of the meetings of the Licensing Sub-Committee held on 20 June 2014 and 16 July 2014.

6 Chairman's Report

**7 Application For a Street Trading Consent - Mobile Catering
Trailer - London Road Precinct, Waterloo**

19 - 26

PART 2 (Confidential Items)

None

GENERAL INFORMATION

IF YOU WOULD LIKE A VERSION OF THIS AGENDA, OR ANY OF ITS REPORTS, IN LARGE PRINT, BRAILLE, AUDIO OR IN ANOTHER LANGUAGE PLEASE CONTACT DEMOCRATIC SERVICES ON 023 9244 6231

Internet

This agenda and its accompanying reports can also be found on the Havant Borough Council website: www.havant.gov.uk

Public Attendance and Participation

Members of the public are welcome to attend the Public Service Plaza and observe the meetings. Many of the Council's meetings allow the public to make deputations on matters included in the agenda. Rules govern this procedure and for further information please get in touch with the contact officer for this agenda.

Disabled Access

The Public Service Plaza has full access and facilities for the disabled.

Emergency Procedure

Please ensure that you are familiar with the location of all emergency exits which are clearly marked. In the unlikely event of an emergency an alarm will sound.

PLEASE EVACUATE THE BUILDING IMMEDIATELY.

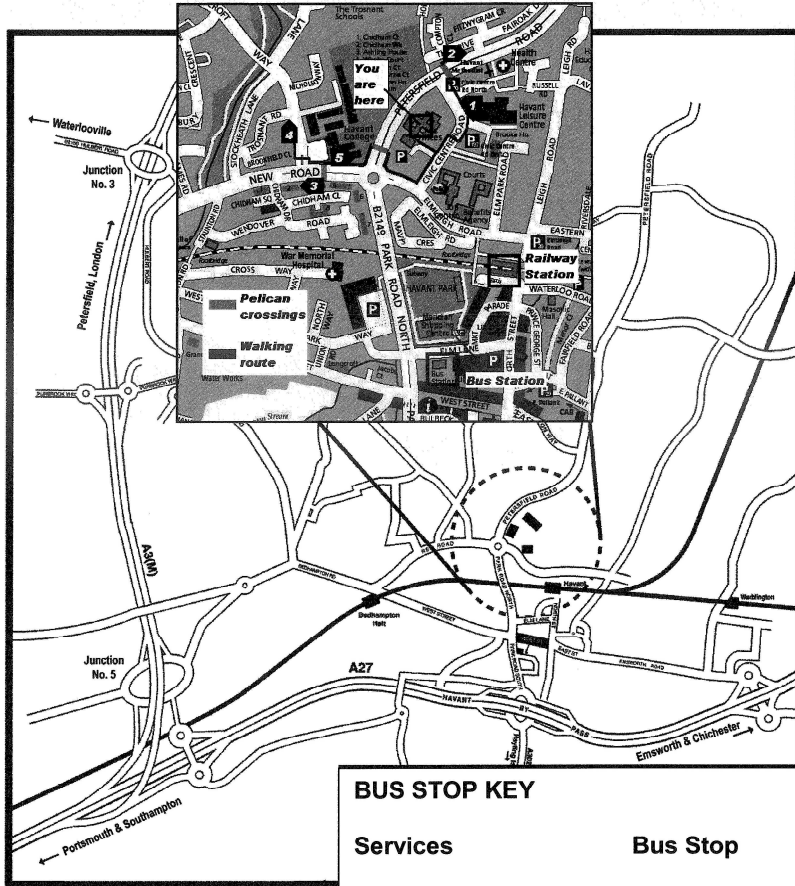
DO NOT RE-ENTER THE BUILDING UNTIL AUTHORISED TO DO SO

No Smoking Policy

The Public Service Plaza operates a strict No Smoking policy in all of its offices, corridors, meeting rooms and toilets.

Parking

Pay and display car parking is available in the Leisure Centre car park opposite the Plaza.



BUS STOP KEY

Services	Bus Stop
20, 21, 39, 63	1
20, 21, 36**, 39	2
23, 36**	3
23, 27**, 37	4
23, 27**, 36**, 37	5

** - also stops "hail and ride" opposite Stop 1 in Civic Centre Road



Havant
BOROUGH COUNCIL

Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX

Public
Service
Plaza

MINUTES FOR APPROVAL

This page is intentionally left blank

HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Committee held on 28 May 2014

Present

Councillor Wilson (Chairman)

Councillors Farrow, Francis, Kerrin, G Shimbart, Smith K, Tarrant, Edwards, Galloway, Ponsonby and Seal

1 Apologies

Apologies for absence were received from Councillors Galloway, Gibb-Gray, Pierce Jones and Wade.

2 Declarations of Interests

There were no declarations of interests from any of the members present.

3 Licensing Act 2003 - Appointment of Licensing Sub-Committee

RESOLVED that:

- (1) Functions under the Licensing Act 2003 be delegated to the Licensing Sub-Committee with terms of reference as set out in paragraph 3.3 of the report; and
- (2) The following five Councillors be appointed to stand as Chairmen of the Licensing Sub-Committee on a rotating basis in 2014/15:

Councillors Gibb-Gray, G Shimbart, K Smith, Tarrant and Wilson.

The meeting commenced at 2.00 pm and concluded at 2.03 pm

This page is intentionally left blank

HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Committee held on 11 June 2014

Present

Councillor Wilson (Chairman)

Councillors Edwards, Gibb-Gray, Kerrin, Pierce Jones, Ponsonby, Sceal, Smith K (Vice-Chairman), Tarrant and Wade

4 Apologies

Apologies for absence were received from Councillors Farrow, Francis, Galloway and G Shimbart.

5 Minutes

RESOLVED that the minutes of the meeting of the Licensing Committee held on 26 March 2014 be approved as a correct record.

6 Matters Arising

A concern was expressed over the siting of a mobile catering trailer on Park Parade Precinct, Leigh Park. The Chairman advised that any issues over this matter should initially be raised with the Senior Economic Development Officer.

7 Declarations of Interests

Councillor Pierce Jones declared a personal interest in Minute 9 due to his involvement in the running of The Station Theatre, Hayling Island.

8 Chairman's Report

The Chairman informed the Committee that it was planned to hold a licensing training session for members in the near future.

9 Film Classification

The Committee was asked to consider a report requesting it to award an age classification rating to the film 'The Prison' for exhibition at The Station Theatre, Station Road, Hayling Island.

The Committee discussed the British Board of Film Classification guidelines, what procedures were in place to restrict persons under 18 from viewing the film and where the film could be exhibited.

RESOLVED that the film 'The Prison' to be shown at The Station Theatre, Station Road, Hayling Island be awarded an 18 age classification rating.

Licensing Committee (11.6.14)

The meeting commenced at 5.00 pm and concluded at 5.17 pm

MINUTES FOR APPROVAL

This page is intentionally left blank

HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Sub Committee held on 20 June 2014

Present

Councillor Shimbart (Chairman)

Councillors Tarrant and Pierce Jones

Officers:	Tristan Fieldsend	Democratic Services Officer
	Hannah Newbury	Council's Senior Solicitor
	Hilary Smith	Licensing Officer
	Gerry Thorne	Licensing Officer
	Richard Hudson	Mr and Mrs Patel's Agent
	Mr Patel	Part Owner of the Licensed Premises
	Mrs Patel	Designated Premises Supervisor
	PC1148 P Barron	Licensing Officer
	Stephen Lawford	Hampshire Trading Standards Officer

1 Declarations of Interests

There were no declarations of interests from any members present in respect of the following item on the agenda.

Introduction and Procedure

Prior to hearing the application for review the Chairman outlined the procedure for the hearing (Minute 2) and confirmed that a permanent record of the proceedings would be kept. The Chairman asked if anyone wished to withdraw their representations. No representations were withdrawn.

2 Review of Premises Licence for Stop and Shop, 407 Middle Park Way, Leigh Park

The following documents were submitted to the Sub-Committee:

- (i) Report of Licensing Officer;
- (ii) Notice of Hearing;
- (iii) Application for Review;
- (iv) Representation form the Police;
- (v) Representation from the Licence Holder;
- (vi) Information to Accompany Notice;
- (vii) Relevant Regulations Relating to Hearings;
- (viii) Hearings Procedure; and **Page 9**

(ix) Additional Information Supplied by Trading Standards.

The Chairman explained the procedure to be followed at the meeting and confirmed that a permanent record of the proceedings would be kept.

Mr Lawford confirmed that he wished to address the hearing on behalf of Hampshire County Council Trading Standards.

Mr Hudson confirmed that he wished to address the meeting on behalf of the Applicant.

PC Barron confirmed that he wished to address the meeting on behalf of Hampshire Constabulary.

The Licensing Officer presented his report to the Sub-Committee and gave an outline of the Application for a review of the premises licence in this case.

All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members' questions and were given an opportunity to ask questions of each other.

The Sub-Committee adjourned from 11.30am until 12.52pm to consider the Application

At 12.52pm the meeting reconvened and the Democratic Services Officer read the decision to the parties.

DECISION OF THE LICENSING SUB-COMMITTEE

RESOLVED that

- 1) A three month suspension preventing the sale of alcohol on the premises be imposed commencing:
 - (a) On the first day after expiry of the statutory period given for appealing against the decision, or;
 - (b) If the decision is appealed against, on the day after the appeal is disposed of.

- 2) Condition 1 of Annex 3 of the conditions attached after the hearing on 12 April 2013 be amended to "Any member of staff who is authorised to sell alcohol at the premises will pass the Level 2 BIIAB Award for personal licence holders course or the equivalent course before being allowed to sell alcohol; and deletion of the following "within 3 months of the commencement of their employment, or within such other period of time

agreed by Hampshire County Council Trading Standards Department”;
and

- 3) Condition 2 of Annex 3 of the conditions attached after the hearing on 12 April 2013 be amended to “The designated premises supervisor will pass the Level 1 BIIAB Designated Premises Supervisor course or equivalent prior to their appointment”.

The Sub-Committee took a very serious view of the selling of alcohol to persons under the age of 18 and had seriously considered the revocation of the licence but had decided to impose a three month suspension due to the efforts made to comply with the extra conditions previously imposed by the Sub-Committee. The Sub-Committee took the view on this occasion that making it obligatory for staff to complete mandatory training should prevent future breaches of conditions.

The meeting commenced at 9.30 am and concluded at 12.54 pm

.....

Chairman

This page is intentionally left blank

HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Sub Committee held on 16 July 2014.

Present

Councillor Gibb-Gray (Chairman)

Councillors Tarrant and Ponsonby

Officers:	Tristan Fieldsend	Democratic Services Officer
	Hannah Newbury	Council's Senior Solicitor
	Hilary Smith	Licensing Officer
	Gerry Thorne	Licensing Officer
Licensee	Mrs D Chestnutt	Licence Holder's Representative
	Mr D Sawyer	Designated Premises Supervisor
	Mr N Swan	Licence Holder's Representative
Police	PC1148 P Barron	Hampshire Constabulary
Applicant	Paul Worrall	Hampshire Trading Standards

3 Declarations of Interests

There were no declarations of interests from any members present in respect of the following item on the agenda.

Introduction and procedure

The commencement of the meeting was delayed until 10.00am to give the parties time to resolve an issue over the Supplementary Information submitted by the Licensee.

Prior to hearing the application for review the Chairman outlined the procedure for the hearing (Minute 4) and confirmed that a permanent record of the proceedings would be kept. The Chairman asked if anyone wished to withdraw their representations. No representations were withdrawn.

4 Licensing Hearing

The Sub-Committee considered an application by the Hampshire Trading Standards Service for review of a Premises Licence in respect of Clapps Convenience Store, 236 Seafront, Hayling Island.

The following documents were submitted to the Sub-Committee:

- (i) Report of Licensing Officer;
- (ii) Notice of Hearing;
- (iii) Application for Review;

- (iv) Representation from the Police;
- (v) Representation from the Licence Holder;
- (vi) Information to Accompany Notice;
- (vii) Relevant Regulations Relating to Hearings;
- (viii) Hearings Procedure;
- (ix) Additional Information Supplied by Trading Standards.
- (x) Additional Information Supplied by the Licence Holder's Representative
- (xi) Supplementary Information Supplied by Trading Standards; and
- (xii) Supplementary Information Supplied by the Licence Holder's Representative

All parties agreed to Mrs S Bryan, Senior Lawyer (Contentious), accompanying the Sub-Committee when it retired to determine the hearings for observation purposes only.

Mr Worrall confirmed that he wished to address the hearing on behalf of Hampshire County Council Trading Standards.

Mrs Chestnutt confirmed that he wished to address the meeting on behalf of the Licensee.

PC Barron confirmed that he wished to address the meeting on behalf of Hampshire Constabulary.

The Licence Holder's Representative withdrew the further information circulated to the Sub-Committee on 14 July 2014 and asked that the Sub-Committee did not take this further information into account.

The Licensing Officer presented his report to the Sub-Committee and gave an outline of the application and the representations received.

Both parties were invited to make representations to the Sub-Committee in relation to the application. Both parties responded to members' questions and were given an opportunity to ask questions of each other.

The Trading Standards Officer highlighted the following points:

- (a) It was explained that each volunteer who carried out a test purchase was specifically chosen to look 16 years of age and was provided with appropriate training;

- (b) The Trading Standards Officer requested that the Sub-Committee disregard the revised recommendation referred to in (xi) above and recommended that the licence be revoked as stated in the original application.

In response to questions raised by members of the Sub Committee and Mrs Chestnutt, Mr Lawford and PC Barron advised that:

- (a) A Trading Standards Officer accompanied every volunteer who carried out a test purchase;
- (b) Volunteers were recruited through a combination of word of mouth, contact from local colleges and through the Trading Standards and Hampshire County Council websites; and
- (c) Every off licence on Hayling Island had been tested within the past 18 months.

Mrs Chestnutt highlighted the following points:

- (a) The volunteer who carried out the test purchase was a mature 16 year old;
- (b) A combination of mystery shopping and inspections would provide a fairer system of assessing how a premises was performing rather than the test purchase system;
- (c) Any suspension of the licence would not be appropriate as there had been no evidence of under age sales outside of the test purchases;
- (d) The premises had received a lack of support from Trading Standards;
- (e) Four members of staff were now trained to ALPH level and a fifth was due to take the course in September 2014;
- (f) It would be detrimental to the business if a condition was imposed for all staff to be trained to ALPH level. It would be more appropriate for staff to be trained through the use of the Alcohol Workbook and CAP training material;
- (g) It was essential for all premises throughout the Borough to be treated identically as it was felt the selling of alcohol locally was undertaken with varying degrees of robustness; and
- (h) Mrs Chestnutt outlined procedures which could be implemented without the need to impose further conditions or a suspension.

In response to questions raised by members of the Sub-Committee Mrs Chestnutt advised that:

- (a) There were currently 8 members of staff employed; and
- (b) For all evening shifts there would be either one or two members of staff working reinforced through the use of CCTV.

In his final submission, Mr Worrall drew the Sub-Committee's attention to the offence committed and the seriousness of this offence. The premises had now failed three test purchases and the failure to address these issues meant the revocation of the licence would be the appropriate action to take.

In his final submission, PC Barron advised that the test purchase failures were due to poor management of the premises and a failure to comply with conditions previously imposed. The standard of the managerial arrangements currently in place to sell alcohol was questioned and therefore there was no alternative but to revoke the licence.

Mrs Chestnutt in her final submission advised that the premises did uphold the licensing objectives and there was no evidence to suggest it was responsible for any public disorder or to suggest the management structure was unfit to sell alcohol. Any suspension of the licence, or the addition of extra conditions, would not be required as the premises already had in place robust systems for the selling of alcohol.

**The Sub-Committee adjourned from 11.10am until 12.10pm
to consider the Application**

**At 12.10am the meeting reconvened and the Democratic Services Officer
read the decision to the parties.**

DECISION OF THE LICENSING SUB-COMMITTEE

RESOLVED that the premises licence be revoked on the grounds that the following licensing objectives had been breached, namely, the prevention of crime and disorder and the protection of children from harm.

In making the decision the Sub-Committee had regard to:

- 1) The breaches of conditions 2 and 3 which were imposed on 3 October 2013;
- 2) A further failed test purchase on 20 February 2014; and
- 3) The fact that a further suspension of the premises licence, or the addition of extra conditions, would not be appropriate as these would not promote the licensing objectives in the interests of the wider community.

In reaching its decision the Sub-Committee had regard to the amended guidance issued under section 182 of the Licensing Act 2003, in particular paragraphs 11.26 to 11.28.

The meeting commenced at 10.00 am and concluded at 12.12 pm

.....

Chairman

This page is intentionally left blank

HAVANT BOROUGH COUNCIL

LICENSING COMMITTEE

APPLICATION FOR A STREET TRADING CONSENT – MOBILE CATERING TRAILER – LONDON ROAD PRECINCT, WATERLOOVILLE

Report by Economic Development Officer

Key Decision: No

1.0 Purpose of Report

- 1.1 To consider an application for a street trading consent to sell take away food and drink from a mobile catering trailer on London Road precinct Waterloooville.
- 1.2 This matter has been submitted to the Committee given the fact that there has not been a food concession on this part of London Road Precinct before, see attached plan.

2.0 Recommendation

- 2.1 That the Licensing Committee considers Mr J Rosenthal's application to sell American Tex Mex – Mexican takeaway hot food and hot/cold drinks from a mobile trailer on London Road precinct Waterloooville. The Trader would like to do deliveries from the location using a van utilising the adjacent car park, also place tables and chairs (up to 4 tables and 16 chairs) at the site until 8pm, when they will be removed.
- 2.2 Should the committee be minded to grant the application, consent be given subject to the conditions

3.0 Summary

- 3.1 The three ward councillors have been consulted and have raised no objections.
- 3.2 The Waterloooville Business Association raised no objections.
- 3.3 The Economic Development Officer has no objections.
- 3.4 If the committee is minded to grant consent, it is suggested that such consent be granted subject to the following conditions:
 - (a) Trading to be permitted on London Road precinct only subject to agreement with the Economic Development Officer.

- (b) Trading to be permitted between the hours of 12.00 and 23.00, Monday to Saturday inclusive.
- (c) The trailer used is removed from site each day.
- (d) The trader will as far as possible reduce the smell of foods affecting other businesses.
- (e) During the times of trading the trader provides receptacles for litter in the vicinity of their stand. The trader is required to keep the area in the vicinity of their stand clean and tidy and free from any litter or debris attributable to the trading.

3.3 The trader complies with the following environmental health legislation:

The Food Hygiene (England) Regulations 2006
 Regulation (EC) 852/2004
 Regulation (EC) 853/2004
 Regulation (EC) 178/2002
 The Health and Safety at Work etc Act 1974
 And any subsequent amendments to the above legislation

3.4 Any such conditions as the Council solicitor may consider appropriate

4.0 Implications

4.1 **Resources:** The fee for the issue of a street trading consent (currently £820.00 per annum or £510.00 for 6 months)

4.2 **Legal:** None arising directly from this item.

4.3 **Strategy:** Street trading in pedestrian area's can enhance the vitality of the area

4.4 **Risks:** None arising directly from this item.

4.5 **Communications:** None arising directly from this item.

4.6 **For the Community:**

4.7 **The Integrated Impact Assessment (IIA) has been completed and concluded the following: N/A**

5.0 Consultation

5.1 Ward Councillors

5.2 Waterlooville Traders Association

5.3 Police

5.4 Hampshire Highways

Appendices:

Appendix A – Photo of location for proposed street trading x 2.
Appendix B – Photo of vehicle to be used for trading.

Background Papers: None

Agreed and signed off by:

Legal Services: 12 September 2014

Contact Officer: Sarah Flamson
Job Title: Economic Development Officer
Telephone: 023 9244 6483
E-Mail: sarah.flamson@havant.gov.uk

This page is intentionally left blank

APPENDIX A



This page is intentionally left blank

IMAGE ①

Cement Truck

APPENDIX B



14 x 7'

This page is intentionally left blank