



LICENSING ACT 2003

Application for a New Premises Licence

Decision Record

APPLICANT:	Hampshire Constabulary
PREMISES:	The Victoria, Nos. 135-139 Victoria Road, Aldershot
DATE OF HEARING:	1st December, 2021
MEMBERS SITTING:	Cllrs A.K. Chowdhury, Christine Guinness (Chairman) and Jacqui Vosper

DECISION

To modify the existing conditions of the licence.

The Sub-Committee considered that, on a balance of probabilities, the conditions should be modified in order to promote of the licensing objectives, namely the prevention of crime and disorder.

REASONS

In coming to its decision, the Sub Committee has taken into account:

- The Licensing Act s.35, which states that, having regard to the representations, it must take such steps as it considers appropriate for the promotion of the Licensing Objectives.
- The Secretary of State's Guidance issued under section 182 of the Licensing Act 2003, particularly
 - Paragraph 1.17 which advises that each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy;
 - Paragraph 11.16 – 11.28 which outlines the powers of a licensing authority on the determination of a review;
 - Paragraph 9.37 - 9.40 which states that the licensing authority must give appropriate weight to the steps that are appropriate to promote the licensing objectives, the representations and supporting information made by all parties, the Guidance of the Secretary of State and its own statement of licensing policy; and
 - Paragraph 9.42 – 9.44 which states that all licensing decisions should be considered on a case by case basis and should take into account any representations or objections which have been received, and any representations made by the applicant.
- Rushmoor Borough Council's Statement of Licensing Policy and Guidance version 2 2018, particularly
 - The General Licensing Principles, paragraph 3.12, which states that the licensing authority will be objective in its determination, consider the promotion of the licensing objectives and focus on matters that are within the control of individual applicants, the premises where licensable activities are to be provided and the area in the vicinity of

the premises concerned;

- Paragraph 3.13 - 3.14 which covers Control of Third Parties;
 - Paragraph 14.18 – 14.23 regarding the determination of a review; and
 - Paragraph 18.45 – 18.48 which covers the weight attached to relevant representations.
- All the written representations and oral evidence presented at the hearing.

The Sub-Committee, after agreement of all the parties, allowed for the Licence Holder to present three additional documents for consideration namely, an example page from the premises' refusal log and incident log along with an example Alcohol Sales Questionnaire completed by a member of staff.

The Sub-Committee heard representations from the Licensing Officer on behalf of the Licensing Authority and from the Applicant. They also heard from the Licence Holder and their representative along with two additional members of the premises' management team representing the Licence Holder.

All of the parties present and the Sub-Committee had the opportunity to ask questions of all other parties.

The Sub-Committee considered that the licensing objective of the prevention of crime and disorder was engaged but did not consider that the representations which they heard engaged the other licensing objectives.

The Sub-Committee heard evidence from the Applicant that a number of incidents had occurred at the premises some of which had resulted in serious injury and/or police attendance.

The Sub-Committee listened to evidence that the Applicant had attended the premises where they had seen inaccurately completed logs. It was also noted that there were concerns that door staff were not always wearing body worn cameras and/or appropriate high-visibility clothing.

The Sub-Committee heard evidence that the Licence Holder did not provide CCTV footage when requested by the police following a serious incident which occurred on 3rd October 2021. The Applicant also made representations as to concerns over the seizure of illegal substances.

It was heard by the Sub-Committee that the Licensing Authority echoed the concerns raised by the Applicant and had concerns as to the management of door staff.

The Sub-Committee heard that logs and training records had been provided since the written representations had been submitted and was encouraged by this. Members noted, however, that the Licensing Authority had suggested that these actions were not sufficient to address all concerns.

The Sub-Committee considered the CCTV footage provided by the Applicant and was concerned to see that the security did not appear to be proactively assisting with dispersing the patrons to prevent crime and disorder. The Sub-Committee was also concerned to see that the SIA door supervisors were not always identifiable by high visibility clothing, as required by Condition (10)(v) of their premises licence.

The Sub-Committee was concerned to note that there appeared to be limited engagement between those managing the premises and the door staff, however was encouraged by the suggestion that the Licence Holder would be reviewing their security arrangements. The Sub-Committee would suggest that the Licence Holder considers the management structure of the premises and whether a bar supervisor may allow for better promotion of the licencing objectives. The Sub-Committee also suggested that the licence objective of the prevention of crime and disorder may be better promoted by the duty manager overseeing the exiting of patrons at time of closure.

In coming to its decision, the Sub-Committee considered all of the options available to it. The Sub-Committee considered paragraph 11.28 of the Secretary of State's guidance in detail in deciding whether to revoke the licence. Members agreed, however, that the evidence provided to them did not suggest that the premises were being used to further crimes.

The Sub-Committee considered whether a suspension would be effective in allowing the Licence Holder to arrange for adequate training for their staff and management team. However, the Sub-Committee felt that the economic impact would be disproportionate. When seeking to address the concerns raised, the Sub-Committee suggests that the Applicant considers additional training for all employees, including the management staff.

It was felt by the Sub-Committee that, given the incidents which had occurred and their concerns as to the management of the premises, some action needed to be taken in order to promote the licensing objective of the prevention of Crime and Disorder. The Sub-Committee considered that this could be achieved through the modification of the licence conditions but would like to remind the Licence Holder of the importance of complying with all of the conditions imposed upon the licence.

In coming to its decision, the Sub-Committee has NOT taken into account:

- The representations made regarding the perceived attitude held by the Licence Holder towards the Licensing Officer as it was felt that

this was subjective and not relevant to the to the promotion of the licensing objectives.

- The impact that Covid has had on the Applicant's business as the Sub-Committee did not feel that this was relevant to the review.

Interested Parties and Responsible Authorities may apply for a review of the licence in the future should there be any concerns about the operation of the licence.

The Applicant is reminded that failure to comply with a condition is a criminal offence.

Finally, all parties have a right of Appeal to the Magistrates' Court within 21 days of the date of this decision notice.

OTHER CONDITIONS (New, amended and deleted conditions consistent with the operating schedule)

- 1) The Opening hours of the premises are to be amended to 06:00am – 01:00am (the following day) on Fridays and Saturdays.

- 2) Condition (10)(vii) to be deleted and replaced with the following condition:

At all times when SIA door supervisors are on duty at the premises, all SIA staff shall wear and operate body worn video (BWV) recording equipment.

- (a) The equipment shall be maintained, and the images will be made available as soon as practicable but at least within 48 hours to the police on request as long as the request is lawful with regards to data protection legislation.

- (b) The equipment shall record high definition colour images and be able to capture sound, specifically conversation. The Equipment shall be able to operate in all levels of illumination and images shall be time/date stamped.

- (c) The BWV shall be of a similar specification to those currently utilised by Hampshire Constabulary and as such shall be of sufficient quality to produce evidential data.

- 3) New Condition (10)(xiii) to be inserted as follows:

On all occasions where SIA door supervisors are employed the duty manager is to provide an adequate briefing to all SIA staff at the start of their working hours. A note of such briefing shall

be recorded and made available for review by Police or the Licensing Authority on request.

- 4) New Condition (10)(xiv) to be inserted as follows:

At all times when SIA door supervisors are on duty there is to be one lead SIA supervisor nominated and the duty manager is responsible for ensuring communication is maintained with the lead SIA supervisor while they are on duty.

- 5) New Condition (5)(vi) to be inserted as follows:

(5)(vi) The premises licence holder shall operate and maintain in good working order, an electronic identification scanning system such as “scannet” or similar electronic document scanning device if commercially available.

(a) All customers entering the premises shall be asked to produce photographic identification, such as a valid passport, valid driving licence or PASS card and agree to the said identification being used for scanning. Customers who do not agree to this will be refused entry.

(b) All identification provided by customers shall be scanned electronically.

(c) The Premises licence holder or venue representative will notify the Police Licensing Department responsible for the in writing or by e-mail as soon as reasonably practicable if any issues arise in respect of the operation of the scanning system or the internet service accompanying it.

(d) Details of persons banned at the venue are to be entered onto the device used by the venue and that information shared locally and nationally with other venues using the same or similar scanning system by way of the Information Technology System (Internet protocol).