



LICENSING ACT 2003

Application for a New Premises Licence

Decision Record

APPLICANT: C & S Leisure Limited

PREMISES: No. 132 Victoria Road, Aldershot

DATE OF HEARING: 4th July, 2022

MEMBERS SITTING: Cllrs P.J. Cullum, Christine Guinness and
Jacqui Vosper (Chairman)

DECISION

To grant the licence as applied for.

REASONS

The Licensing Sub-Committee has had regard to the application and all relevant representations made both in writing before the hearing and orally by those in attendance at the hearing. The Sub-Committee has also considered Rushmoor Borough Council's Statement of Licensing Policy and Guidance and the Guidance issued by the Secretary of State under section 182 of the Act.

Following the agreement of all parties present, the Sub-Committee allowed the Applicant to present an additional document for consideration, namely a summary of their representations including a copy of a hand written note which the Applicant explained was provided to the premises by the police following an incident which occurred on 25 June 2022.

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 was presented with the report by the Licencing Officer and heard representations from the Applicant who made reference to the additional document which they had provided. All the parties present and the Sub-Committee had the opportunity to ask questions of all other parties.

The Sub-Committee considered that the summary provided by the Applicant contained the salient points for consideration. It was content that the issues raised were adequately explained by the Applicant to the satisfaction of the Sub-Committee.

The written representation by an interested party and video footage contained within the report raised concerns as to the Applicant's representatives having a history of consuming alcohol whilst working at an alternative premises. The Sub-Committee accepted the Applicant's explanation that alcohol was not to be consumed by staff whilst working but that after the end of a shift staff would often have a drink before cleaning the premises for closure.

The Applicant also addressed the allegations as to drug use which were contained within the written representation, photograph and video footage provided by an interested party. The Sub-Committee were satisfied by the applicant's explanation that material relating to drug use had been found during a refurbishment of an alternative premises and that the material was collected and placed into an

evidence bag. The Sub-Committee did not accept based on the evidence before them that the representatives of the Applicant had been responsible for the material photographed.

The Sub-Committee were not satisfied by the suggestion that the Applicant's representatives had a history of fighting with customers as it was felt that there was no evidence to support this.

The representation that the Applicant had faced issues with the police at a previous premises was considered by the Sub-Committee who heard from the Applicant with an explanation of the circumstances. In considering this point the Sub-Committee gave weight to the lack of representation made by the police in relation to this premises application and were comforted by the conditions which had been pre-arranged with the police.

The Sub-Committee heard from the Applicant the procedures which they had in place to address the risk of drink spiking. This included the ability to instantly test drinks and the provision of a space where customers could safely leave drinks when using the outside area of the premises. The Sub-Committee also heard of staff training in place to protect customers including the "Ask for Angela" scheme. The Sub-Committee were satisfied that by the measures in place.

The Sub-committee questioned the Applicant on a particular event referred to in the representation contained within the Licensing Officer's report where the entry scanner was turned off. The Sub-Committee accepted the applicant's explanation that it was a private event where tickets had already been sold and a list verified. The Sub-committee were satisfied that the scanner was not necessary but an additional precaution.

The Sub-Committee had some concern as to the text messages submitted as part of the written representation within the report and felt that caution should excised when using this method of communication however, considered that this evidence was dependent on context and the subcommittee therefore gave limited weight to this element of the representation.

The Sub-Committee gave considerable weight to para 9.12 of the Guidance issued by the Secretary of State which states that the police should usually be the licensing authority's main source of Advice on matters relating to promotion of the crime and disorder licensing objective. No representation was provided by the police in relation to this application which provided the Sub-Committee with confidence that the promotion of the licensing objective of Crime and disorder could be achieved with the grant of the licence.

The Sub-Committee were reassured by the efforts which the Applicant had made to liaise with relevant authorities and agree conditions in advance of making the application.

It was explained by the Applicant that they were currently unable to secure a female SIA licensed door supervisor as required by the

licence conditions when there was an intention to search female customer. The Sub-Committee were informed of the difficulties that the Applicant had faced and the Applicant's continued efforts. The Sub-Committee were satisfied that the condition could be complied with through the rotation of SIA staff from a nearby establishment and the Applicant exercising their right to refuse entry which the Applicant sourced a female SIA door Supervisor.

In coming to its decision, the Sub Committee did not feel it relevant to the licensing objectives to take into account the following;

1. The suggestion that the Applicant had not appropriately managed tax payments for their staff.
2. Efforts of staff member to increase the standard of an alternative premises.
3. Voicemail message left by Applicant's representative.

Final points and appeal rights

Interested Parties and Responsible Authorities should be aware of the power to 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 a failure to comply with a condition is a criminal Offence.

All Parties have a right of Appeal to the Magistrates' Court within 21 days of the date of this decision notice.