



RUSHMOOR BOROUGH COUNCIL

LICENSING SUB-COMMITTEE (ALCOHOL AND ENTERTAINMENTS)

*at the Council Offices, Farnborough on
Tuesday, 17th May, 2016 at 10.00 am*

Membership:

Cllr R. Cooper

Cllr L.A. Taylor

Cllr Jacqui Vosper

Enquiries regarding this agenda should be referred to Committee Administrator: Chris Todd, Democratic and Customer Services, Democratic and Customer Services Tel. (01252) 398825 or Email chris.todd@rushmoor.gov.uk

A G E N D A

1. **DETERMINATION OF AN APPLICATION FOR THE REVIEW OF A PREMISES LICENCE IN RESPECT OF THE FUNKY END, STATION ROAD, ALDERSHOT – (Pages 1 - 64)**

To consider the Head of Environmental Health and Housing's Report No. EHH_LICSUB_A&E1610 (copy attached) setting out details of an application for the review of a premises licence.

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LICENSING SUB-COMMITTEE
(ALCOHOL & ENTERTAINMENTS)
17 MAY 2016

AGENDA ITEM NO.1
ENVIRONMENTAL HEALTH
& HOUSING SERVICES
LICENSING REPORT NO. EHH_LICSUB_A&E1610

**DETERMINATION OF AN APPLICATION FOR
THE REVIEW OF A PREMISES LICENCE
THE FUNKY END, STATION ROAD, ALDERSHOT**

1.0 INTRODUCTION

- 1.1. This report concerns an application for the review of a premises licence made under section 51 of the Licensing Act 2003 (the 'Act'). The receipt of such an application invokes a statutory requirement to hold a hearing with Members to consider it.
- 1.2. The report provides details of, and background to the application, and should be read in conjunction with the Council's licensing policy and Secretary of State's guidance. This, together with information obtained at the hearing should be used to determine the application.

2.0 BACKGROUND

- 2.1. On the 23rd March 2016, a responsible authority, namely Hampshire Constabulary, submitted an application for the **review** of the premises licence held in respect of The Funky End, Station Road, Aldershot, GU11 1HT. A copy of the review application is given at **appendix A**. A map of the area showing the general location of the premises is given at **appendix B**.
- 2.2. **Existing premises licence & licence history**
- 2.3. The application requests the review of the existing premises licence held in respect of the Funky End; licence number 14/00507/LAPRE. While subject to several variations over the years, this premises licence has been held by Punch Taverns Plc since 24th November 2005 (following conversion). While a copy of the current premises licence is given at **appendix C**, a summary of the premises licence history is outlined in the table given at **appendix D**.
- 2.4. The current premises licence authorises a number of licensable activities, including the sale of alcohol, indoor sporting events and the provision of live and recorded music. The ultimate terminal hour for activities is given as 23:00pm on Sundays, 00:00 Monday to Wednesdays, 02:00am on Thursdays and 03:00am on Fridays and Saturdays with some seasonal variations. The licence is subject to a range of conditions, some (detailed in Annex 3 of the extant premises licence) being applied at hearing following receipt of representations to the preceding application for variation.

3.0 ADMINISTRATION OF REVIEW APPLICATION

3.1 Advertising the review application

3.2. In submitting an application for review, it is the duty of the applicant to ensure that notice of the application is given to all responsible authorities and the licence holder to which it relates. It is also the duty of the licensing authority to advertise receipt of the application by way of enabling representations to be made by other parties.

3.3. I can confirm that the applicant and each responsible authority have received a copy of the review application and the licensing authority has advertised receipt of the application both at the premises and at the Council Offices in accordance with the requirements of the Act.

4.0 APPLICATION & GROUNDS FOR REVIEW

4.1. The grounds for review of the premises licence are set out in the review application. While subject to the following, a copy of this is given at **appendix A**.

4.2. Sensitive / Restricted information

4.3. Hampshire Constabulary have advised that it is their view that it would not be in the public interest for some matters they have raised in their review application to be heard or discussed in public.

4.4. Members are advised that under the Licensing Act 2003 (Hearings) Regulations 2005, the Licensing Authority has the power to exclude the public from all or part of a hearing. This is possible where there is a greater public interest in excluding the public than in allowing them to remain at the hearing. For these purposes, a party and their representative(s) may be treated as a member of the public.

4.5. Should a request to exercise this power be made by Hampshire Constabulary at the hearing, Members may wish to determine this first as a preliminary issue. However, in order not to prejudice the outcome of any such request, potentially sensitive information has not been included within this report but has been provided to Members and the premises licence holder separately.

4.6. Relevance of grounds for review

4.7. By virtue of section 51(4) of the Act, the licensing authority may, at any time, reject any ground for review if it is satisfied that the ground is not relevant to one or more of the licensing objectives.

4.8. The grounds for review are considered to be relevant in this case, as the application has been made by a responsible authority and concerns the licensing objectives the **prevention of crime and disorder**, the **prevention of public nuisance** and the **protection of children from harm**.

5.0 REPRESENTATION(S)

- 5.1. A total of ten representations have been received in respect of the application, eight from members of the public and two from responsible authorities, namely the Licensing Authority and Environmental Health.
- 5.2. Of the eight representations received from members of the public, seven are submitted in support of the premises, while one is made in support of the review.

5.2 Relevance of Representation(s)

- 5.3 To be eligible to be considered, the Act requires a(ny) representation(s) to be '*relevant*'. A '*relevant representation*' is one that has been made by a responsible authority or any other person and is not frivolous, vexatious or repetitious. A '*relevant representation*' must also relate to one or more of the licensing objectives.
- 5.4 The licensing objectives are defined in the Act and include -
 - (a) the prevention of crime and disorder;
 - (b) ensuring public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm.
- 5.5 Against this criteria the representations made by the Licensing Authority and Environmental Health are each considered to be relevant in this case as they have been made by responsible authorities and each concern the licensing objectives for the **prevention of public nuisance** and **the prevention of crime and disorder**. Copies of the representations are given as **appendix E** and **F** respectively.
- 5.6 The representation made by the member of the public supporting the review is also considered to be relevant as it explicitly concerns the licensing objective for **the prevention of public nuisance** and infers issues around **the prevention of crime and disorder**. A copy of this representation is given at **appendix G** and is marked as **G1** for ease of reference.
- 5.7 Representations made by members of the public in support of the premises are also considered to be relevant and collectively concern **the prevention of public nuisance** and **the prevention of crime and disorder** objectives. Copies of these are also given at **appendix G** and are marked as **G2** to **G8** respectively for ease of reference.

6.0 DATA PROTECTION ISSUES

- 6.1 In accordance with data protection requirements, any personal details, addresses, contact details and/or signatures submitted on any application, representation or other relevant document etc have been redacted.

7.0 DETERMINATION

- 7.1. The Sub-Committee is asked to determine the application for review.

8.0 RELEVANT CONSIDERATIONS

8.1. Licensing objectives

- 8.2. In considering the application the licensing authority must have regard to the promotion of the licensing objectives as outlined at paragraph 5.4 of this report.

8.3. Licensing policy & Secretary of States guidance

- 8.4. The licensing authority must also have regard to its statement of licensing policy and any guidance issued by the Secretary of State. Details of the parts of the policy and guidance that may be relevant to this application are given at **appendix H**.

8.5. Live Music Act

- 8.6. The Live Music Act 2012 amended the Licensing Act 2003 in respect of premises authorised to be used for the supply of alcohol for consumption on the premises. Under the provisions of this legislation, any conditions on the premises licence which relate to live music are suspended and do not have effect when the premises is open for the supply of alcohol for consumption on the premises where -

- (a) the live music takes place between 08:00am and 23:00pm on the same day; and
- (b) either –
 - (i) the live music is unamplified; or
 - (ii) the live music is amplified and takes place in the presence of an audience of no more than 200 persons.

- 8.7. However, on the review of a premises licence the Licensing Authority may lift the suspension and give renewed effect to any existing condition relating to live music where it is appropriate to do so. Alternatively, the licensing authority may add a condition relating to live music as if it were a regulated entertainment permitted by the licence in place at the premises.

8.8. **Human rights**

8.9. Members are reminded that in determining a review application the licence holder is entitled to a fair hearing, on merit and, any action(s), terms or conditions imposed must be both proportionate and appropriate.

8.10. A premises licence is deemed to be a possession under Article 1(1) of the first protocol.

8.11. **Appeals**

8.12. The applicant for the review, the holder of the premises licence and/or any other party who made representations have a statutory right of appeal to the Magistrates' court within 21 days of being notified of the decision / outcome. The decision of the Sub-Committee has no effect until the appeal period has passed or until the appeal is disposed of.

9.0 **OPTIONS**

9.1. In determining this application the Sub-Committee must, having regard to the review application and any relevant representations, take any one or any combination of the following steps as it considers appropriate for the promotion of the licensing objectives, namely:

- (a) to take no action;
- (b) to issue an informal warning and/or recommend improvement(s);
- (c) to modify the existing conditions of the licence**;
- (d) to exclude a licensable activity from the scope of the licence**;
- (e) to remove the designated premises supervisor;
- (f) to suspend the licence for a period not exceeding three months;
and/or
- (g) to revoke the licence.

*** for this purpose, the conditions of the licence are modified if any of them is altered, omitted or any new condition is added.*

10.0 **RECOMMENDATION(S)**

10.1. The Sub-Committee is asked to determine the application having regard to -

- (a) the contents of this report;
- (b) any additional information obtained from the hearing;
- (c) the Council's licensing policy;
- (d) guidance issued by the Secretary of State; and
- (e) the promotion of the licensing objectives.

JOHN McNAB
ENVIRONMENTAL HEALTH MANAGER (Licensing)
Environmental Health & Housing Services
licensing@rushmoor.gov.uk

Background Papers: Review application ref: 16/00234/LAPRER
Premises Licence ref: 14/00507/LAPRE

Public Documents:

- 1) **HMSO (2003)**, The Licensing Act 2003
- 2) **Home Office (March 2015)**, Revised guidance issued under Section 182 of the Licensing Act 2003


Contact: John McNab, Environmental Health Manager (Licensing)
Tel: 01252 398886, **Email:** john.mcnab@rushmoor.gov.uk

Appendices:

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**APPLICATION FOR REVIEW
THE FUNKY END, STATION ROAD, ALDERSHOT**

	RESTRICTED	RUSHMOOR BOROUGH COUNCIL LICENSING DEPARTMENT REC'D 23 MAR 2016	G90
	Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003	Page 1 of 6	

Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

I PC 3554 Matthew Moss, on behalf of the Chief Officer of Hampshire Constabulary,
(insert name of applicant)

Apply for the review of a premises licence.
 Apply for the review of a club premises certificate.
 (Select as applicable)
 Make a representation about a premises licence/club premises certificate

Premises or Club Premises details

Postal address of premises:	The Funky End Station Road Aldershot
Postcode (if known):	GU11 1HT

Name of premises licence holder or club holding club premises certificate (if known)
Punch Taverns

Number of premises licence or club premises certificate (if known)
14/00507/LAPRE

Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank: PC 3554
Surname: Moss First Names: Matthew
Current postal address : Hampshire Constabulary Alcohol Harm Reduction and Licensing Team Portsmouth Civic Offices Guildhall Walk Portsmouth
Postcode: PO1 2AL
Daytime telephone number: 023 9268 8654
E-mail address: matthew.moss@hampshire.pnn.police.uk (optional)

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003

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**Application for the review of / Representation in respect of a
Premises licence or Club Premises certificate
under the Licensing Act 2003**

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This application to review relates to the following licensing objective(s)

*Select one or more
boxes*

- | | |
|---|-------------------------------------|
| 1) The prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) Public safety | <input checked="" type="checkbox"/> |
| 3) The prevention of public nuisance | <input type="checkbox"/> |
| 4) The protection of children from harm | <input checked="" type="checkbox"/> |

Please state the grounds for review which must be based on one or more of the licensing objectives together with supporting information:

The Chief Officer of Police formally requests this review of the premises license held by Punch Taverns in respect of The Funky End, Station Road Aldershot. The Chief Officer of Police has significant concerns that the venue is failing to uphold the licensing objectives, specifically that it is not preventing crime and disorder, upholding public safety or protecting children from harm.

The Funky End is a premises that benefits from a premises license allowing it to supply alcohol by retail 7 days a week. It can trade until 2300 hrs on a Sunday, 0000 hrs Monday to Wednesday, 0200 on a Thursday and 0300 hrs on a Friday and Saturday. It is a venue that has a distinctive day and night clientele which are very different to each other. The Chief Officer of Police's primary concern is the night time trade and the repeated serious disorder that is occurring at the premise. This is leading to public safety implications as members of the public are being injured during these incidents. In relation to protecting children from harm on at least one of the occasions one of the involved persons has been just 17 years of age.

Recent History / Timeline

Representatives of the Police and the venue have previously worked together to try and resolve the issues at the premises following disorder at the venue. In June 2015 following a number of incidents in the period February to June PC 2903 Swallow attended the venue for a meeting with both the Premises License Holder (PLH) and the Designated Premises Supervisor (DPS) (who is a tenant of the PLH). The Chief Officer of Police concerns were raised, and a number of potential conditions were proposed by PC 2903 Swallow with the suggestion that the venue consider a variation to take on these conditions in order to improve how they promote the licensing objectives. The venue were concerned that these conditions may harm their business profitability, and as such a middle ground was that the venue would put together an action plan to improve how the venue performed. Amongst the suggestions taken on were the door staff being provided body worn video.

Appendix A is a summary of the incidents between February and June 2015 compiled by PC

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2903 Swallow.

Appendix B is a list of the conditions proposed by PC 2903 Swallow.

Appendix C is an update following the meeting with the venue.

Following this action disorder continued relatively regularly at the venue and despite regular visits to the venue the incidents have continued. The Chief Officer of Police acknowledges that The Funky Ends location does mean that occasionally incidents are linked to it that are nothing to do with the venue, and as such these incidents have not been included in this report.

The most recent visits by the current Police Licensing Officer (PC 2903 Ladhams) have seen mixed feedback.

Appendix D is a summary by date of the visits he has carried out and his general feel of the place.

2016 Incidents

So far this year there have been 7 Incidents linked to the venue between the 1st of January and the 22nd March. These have included assault and public order incidents and are generally groups of males involved. Of note are two particular incidents that have caused significant concern to the Chief Officer of Police:

On the 22nd of January 2016 an incident occurred at the venue which is still the subject of a live police investigation. During this incident there was a report of a number of people fighting in the street, and a person was hit with a car. This matter is a live police investigation and as such the details of this incident are currently restricted.

Appendix E is a more detailed summary of the circumstances of this incident. This document is RESTRICTED.

Appendix F will be in due course (once obtained from the OIC) the CCTV from this incident.

On the 20th March 2016 a fight has occurred which started inside the venue, and has led to brawl in the street. During this brawl a member of the public has received slash wounds to the stomach. Once again this incident is the subject of a live police investigation and as such details of the incident are currently restricted.

Appendix G is a more detailed summary of the circumstances of this incident. This document is RESTRICTED.

Appendix H will be in due course (once obtained from the OIC) the CCTV from this incident.

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These two incidents stand out as both involve significant levels of disorder and both have led to particularly serious injuries. These incidents are very clear examples of significant harm to the licensing objectives, in particular the prevention of crime and disorder and public safety. Significant criminal offences have taken place, directly linked to the premises, and people have been injured as a result of these incidents.

The second incident also involved a male who was just 17 years old. He had been drinking in the venue and this raises the issue as to exactly how the venue is protecting children from harm when this has occurred.

Summary of Issues

The Funky End is a small premises that is currently generating a disproportionate number of incidents for the capacity. Attached to this report is Appendix I which is a break down of every incident linked to the premises for the last year along with pertinent information in relation to the incidents.

This analysis gives a clear indication as to where the problem is. As referred to at the start of this report the venue has 2 distinct personalities. There is the "pub" side of the business that operates during the day and Sunday - Wednesday evenings. This features traditional pub type hours and generally sees a venue that is safe. On a Thursday, Friday and Saturday night the premise can trade later and in affect becomes a small nightclub / late night bar.

There is a very clear pattern All of the violent incidents occur on a day when trading is later, and all except 3 occur after midnight. The analysis provides a very clear guide as to where the problems lie. If we eliminate all incidents that occur on a Thursday, Friday and Saturday, we are left with ZERO incidents. If we eliminate all incidents that occur after midnight we are left with just 3. It is clear that the issue is the late hours on Thursday Friday and Saturday.

Chief Officer of Police Recommendations

The first consideration for the Chief Officer of Police is whether or not closure of the venue is appropriate. It is clearly an option for the licensing committee to consider, and given the levels of violence at the venue it has also been a consideration for the Chief Officer of Police. However the main issue is that the Chief Officer of Police is concerned that the premise is not suitable to be a late night venue.

The Chief Officer of Police requests that the licensing committee consider whether or not given the evidence before it the premise in its current guise is suitable to remain as one that is licensed so late. The Chief Officer of Police recommendation is that the hours the premise terminates licesenable activity on Thursday, Friday and Saturday is scaled back to midnight. As things stand this would eliminate 88% of the violent crime recorded in the last 13 months.

In any event the Chief Officer of Police would like to see all of the current conditions on the

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Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003

premises removed with the exception of those previously placed on the license following a committee hearing. The Chief Office of Police respectfully suggests new conditions shown in Appendix J. These conditions have been divided into three clear sections: Conditions that apply at all times, conditions that apply after 2000hrs on Thursday Friday and Saturday, and conditions that apply after 2000hrs Thursday Friday and Saturday where the premises trades past midnight. Clearly the third part of these conditions will not be applicable if the committee are of the view that the premises should not open past midnight.

The summary of the appendices with this report are as follows:

- Appendix A: Summary if incidents compiled by PC 2903 Swallow from Feb-June 2015
Appendix B: Conditions previously proposed by PC 2903 Swallow
Appendix C: Update from PC 2903 Swallow following meeting at the venue.
Appendix D: PC 2373 Ladhams visits to venue late 2015
Appendix E: RESTRICTED detailed summary of a significant incident 22/01/16
Appendix F: CCTV from the incident described in Appendix E (to follow)
Appendix G: RESTRICTED detailed summary from significant incident 20/03/16
Appendix H CCTV from incident described in Appendix G (to follow)
Appendix I: Statistical analysis of violence at The Funk End since Feb 2015
Appendix J: Proposed conditions from the Chief Officer of Police

This report is respectfully submitted for the licensing committees consideration.

Have you made an application for review relating to these premises before: []Yes | [X]No

If yes please state the date of that application: / / Day Month Year

If you have made representations before relating to this premises please state what they were

Please tick

- [X] I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
[X] I have sent a copy of this representation to the principal licensing officer of Rushmoor Council

It is an offence, liable on conviction to a fine up to level 5 on the standard scale, under Section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application

Signature of Officer Completing



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Premises licence or Club Premises certificate
under the Licensing Act 2003**

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Name Matthew Moss Collar Number: 3554
Signature:  Date: 23/03/2016

Signature of Authorising Officer (Inspector or above)

Name KAREN MCLEANUS Collar Number: 476
Signature:  Date: 23/3/16

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FUNKY END REVIEW

APPENDIX A

Funky End Incidents 7/2/15 – 17/6/15

**ASSAULT - 10
PUBLIC ORDER - 2
DRUGS – 2
TOTAL = 14**

44150191667 & 44150192611

Saturday 07/06/2015 02:20

ASSAULT - GBH

2 Males attempted to enter Funky End PH and were denied by door staff. Door Staff have pushed 1 male over causing him to fall back onto floor banging head causing cut to rear of head.
ON GOING INVESTIGATION – DOORMAN ARRESTED

44150139849

Saturday 26/04/2015 02:45

ASSAULT

Male has been head butted in the Funky End, Aldershot. Suspect detained by security staff, later arrested for assault ABH.
OFFENDER CAUTIONED

44150129638

Friday 18/04/2015 01:48

ASSAULT

Infl reports he has been badly assaulted by doorman the doer man threw Infl out and onto the floor.
The Infl says he does not know why
NO COMPLAINT

44150121968

Saturday 12/04/2015 02:00

ASSAULT

Aggrieved stating she had been punched to the eye inside the VENUE by an unknown female with blonde hair. Aggrieved stated female was no longer in the area. She had visible swelling to her eye and a small cut above the eye.
NO COMPLAINT

44150105516

Saturday 29/03/2015 02:39

ASSAULT

Male has been assaulted by being punched in the face which has knocked him out and suffering broken teeth and split to the back of his head.
NO COMPLAINT

44150095793

Friday 21/03/2015 02:34

PUBLIC ORDER

Door man at the Funky End Bar racially abused when unknown male has left the club. Unknown male has threatened the doorman with unlawful violence whilst calling him a "nigger".
NO COMPLAINT

44150095775

Friday 21/03/2015 01:35

ASSAULT

Drunken female reveller is asked to leave Licensed Premises by Door Staff and refuses, kicking out at him, causing no injury. Female is ejected and leaves with a friend.

NO COMPLAINT

44150095858

Friday 21/03/2015 00:00

DRUGS

Security staff at The Funky End suspected that a male leaving their premises was in possession of drugs. The male was monitored on camera but eventually went out of their view. Police area searched and were unable to locate the male.

NO CRIME

44150088065

Saturday 15/03/2015 00:10

ASSAULT

CCTV requesting assistance at venue after male seen assaulting door staff. Upon police arrival male seen to throw a punch at door staff and heard to call him a "[REDACTED]". Arrested for assault and racially aggravated public order.

OFFENDER CHARGED (GIVEN PRISON SENTENCE)

44150087094

Friday 14/03/2015 01:50

ASSAULT

Between times stated, person(s) unknown have assaulted the aggrieved by head butting him, causing some visible injury.

NO COMPLAINT

44150082931

Tuesday 10/03/2015 23:00

PUBLIC ORDER

Two males in drink involved in a conflict of alcoholic opinion.

NO COMPLAINT

44150060790

Friday 21/02/2015 01:45

ASSAULT

Report of male being assaulted at VENUE. When police arrived, male suspect and offenders had already left the scene. Description of victim given and area search carried out. Male located, he stated that nothing had happened and refused to give his details, he also refused medical assistance. NO COMPLAINT

44150045434

Sunday 08/02/2015 19:00

DRUGS

There is a male, ex Ghurkha, at the pub, known to Inft and whom Inft has had to section in the past male is currently getting quite aggressive, he is graphically describing what he wants to do with people violently.

NO COMPLAINT

44150044558

Friday 07/02/2015 23:02

ASSAULT - GBH

Male has been hit with a glass bottle inside the PUB. Approx 2 inch cut to side of head. He has refused ambulance treatment or any further details.

OFFENDER CHARGED

FUNKY END REVIEW

APPENDIX B

Funky End Premises Licence Conditions

Annex 2 – Conditions consistent with the operating schedule.

- (1) No Licensable activities shall be undertaken except during permitted hours.
- (2) The above restriction does not prohibit-
 - (i) During the first thirty minutes after the permitted hours, the consumption of alcohol on the premises;
 - (ii) The taking of alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
 - (iii) During the first thirty minutes after the permitted hours the consumption of alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
 - (iv) The consumption of alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
 - (v) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - (vi) The sale of alcohol to a trader or club for the purpose of the trade or club;
 - (vii) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of state or an authorised mess of her Majesty's naval, military or air forces;
 - (viii) The taking of alcohol from the premises by a person residing there;
 - (ix) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
 - (x) The supply of alcohol for consumption on the premises to persons employed there for the purpose of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of the employer or of the person carrying on or in charge of the business on the premises.
- (3) The premises shall remain open for 30 minutes following the last sale of alcohol during permitted hours. This period may be used for drinking-up and the use of the lavatory only.
- (4) No children shall be allowed on the premises at any times unless accompanied by an adult
- (5) (i) Suitable and sufficient SIA licensed door supervisors shall be employed and operational at the premises between 19:00pm until the close of business on Friday's and Saturday's and Sunday's where regulated entertainment is taking place within the premises.
(ii) With a view to preventing crime and disorder, the duties of door supervisors shall also include regular checks and monitoring of sanitary conveniences and all external drinking areas.
- (6) (i) To assist the prevention of crime and disorder a suitable and sufficient, well maintained CCTV camera system, linked to a suitable recording facility, shall be in operation throughout the premises.
(ii) In compliance with the above, the provision of CCTV shall include cover of the front external aspect and the rear courtyard area of the premises

- (7) (i) Exits and fire escape routes from the premises are to be maintained clear of any objects that may impair the ability of persons to use said exits or escape routes at all times.
- (ii) All exits and escape routes shall be clearly marked by suitable and sufficient signage in accordance with the attached plan(s)
- (iii) A suitable and sufficient evacuation policy shall be developed and maintained for the premises and implemented as may be appropriate in the event of any emergency.
- (8) (i) A suitable and sufficient and well maintained emergency lighting and fire alarm system shall be maintained at the premises in accordance with the attached plan(s)
- (ii) Suitable and sufficient fire extinguishers shall be maintained at the premises in accordance with the attached plan(s). all such equipment must be regularly serviced and maintained in such condition that it may be effectively used at all times.
- (9) The rear courtyard area of the premises shall be served by suitable and sufficient lighting when used in hours of darkness.
- (10) Suitable and sufficient supplies of first aid equipment / materials must also be made available to members of the public on request. Dependant on the activities, events and risks at the premise, a suitably trained first aider or an appointed person for first aid must also be present on the premises at all times during licensable activities.
- (11) Prominent, clear and legible notices shall be located at all exits of the licensed premises requesting patrons and staff to leave the premises and area quietly.
- (12) By way of preventing public nuisance, the main entrance to the front aspect of the premises shall be served by a suitable lobby that ensures, so far as is reasonably practicable, the main entrance to the premises is closed and kept closed at all times, save for access and egress thereof.

SIA NUMBERS

From 19:00 on Friday's and Saturday's, a ratio of two frontline door supervisor SIA registered security staff shall be employed at the venue for the first one hundred persons and then one per 100 thereafter. E.g. 1 -100, 2 door / security staff, 101 – 200, 3 door / security staff, 201-300 4 door / security staff and so on.

This number is to include only frontline door supervisor SIA staff employed solely on door supervisor / security duties, i.e. safety and security at the venue.

SECURITY GENERAL

At least one female SIA licensed door supervisor should be available if female customers are to be the subject of searches. (There is no requirement for the venue to employ female security staff.)

All persons who are frontline door supervisor SIA registered and whose position or role profile is solely security at the venue, shall wear a fluorescent and/or a reflective orange tabard, clearly marked security at all times

All front door refusals are to be recorded promptly, including the reason i.e. too intoxicated, barred suspicion of drugs etc.

If a person is ejected from the venue by a member of staff, a record must be made of the incident including details of the staff members involved and a summary of the circumstances. This must be completed as soon as practicable but prior than the end of that persons shift.

A nominated member of security shall be positioned at the entrance / exit doors and shall be responsible for counting persons in and out of the venue. They shall use a device suitable for counting as approved by the police licensing department responsible for the area. As such, an accurate number of persons in the venue must be known at all times the venue is operating under its premises licence. This number is to include staff.

At the terminal hour of operation, the licence holder shall ensure that adequate numbers of door supervisors are employed to assist with the management of customers leaving the venue as well as those remaining in the vicinity of the premises. 2 members of door staff are to patrol the vicinity of the venue for 15 minutes after closing, to assist with safe dispersal from the area. The doorstaff are to be identified by wearing high visibility tabards as used during normal door staff duties.

SECURITY REGISTER

The licence holder shall maintain a duty register giving details of each and every person employed in the role of a security/door person and shall provide upon request by any Police Officer or Council Officer, the following details:-

- (a) The licence number, name, date of birth and residential address and telephone number of that person;
- (b) The time at which he/she commenced that period of duty, with a signed acknowledgement by that person;
- (c) The time at which he/she finished the period of duty, with a signed acknowledgement by that person;
- (d) Any times during the period of duty when he/she was not on duty;
- (e) If that person is not an employee of the licence holder, the name of the person by whom that person is employed or through whom the services of that person were engaged;
- (f) The register shall be so kept that it can be readily inspected by an authorised officer of the Council or Police Officer;
- (g) The duty register shall comprise of a bound, consecutively page-numbered book and the licence holder shall ensure that this register is kept in a secure environment in order to prevent unauthorised access or alterations to same

BODYWORN VIDEO

At times when a Door Supervisor who is on duty on the main entrance of the venue, they will wear and operate body worn video recording equipment at all times.

The system shall be a similar system as utilised by Hampshire police but shall be able to record in high definition in different lighting situations without loss of image quality. It shall record sound and have the facility to record images for the entire duration that the venue operates under its premises licence.

The equipment will be maintained and the images will be made immediately available to the police at all times on request in line with data protection legislation. Where the equipment fails the Licensing Department of the police will be notified immediately in writing or by e-mail. Footage obtained shall be retained for 31 days

CCTV

The licence holder shall comply with the following requirements concerning the use of CCTV at the premises.

Operation and Storage

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

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. A record shall be kept of any access made to information held on the system.

The system will 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 31 days evidential quality recordings. The images produced will be date and time stamped.

A notice will 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.

Access

It is important that the Police are able to access data from the systems quickly and easily and therefore provision shall be made for someone to have access to the secure area and also be able to operate the equipment at all times.

Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of 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 for the purpose of the detection of crime as long as the request is lawful and complies with the data protection Act.

PUBWATCH

The premises licence holder shall ensure that a representative of the premises (whenever possible the DPS) attends regular pub watch meetings or meetings of any similar scheme, so long as such a scheme is in existence and welcomes participation of the venue representative.

The DPS or their representative shall ensure that descriptions of disorderly/banned individuals are circulated to other licensed venues via the Pubwatch or similar scheme. The DPS will work in cooperation with Hampshire Constabulary and other licensed venues by refusing entry to any person who has been included on the 'banned list'.

WRITTEN POLICIES

Written policies on the ejection of customers and the refusal of entry of customers shall be implemented following agreement with the Police.

A bar staff refusals register shall be implemented and maintained at the premises and made available on request to police officers or authorised Officers the City Council.

A written policy on how the venue will tackle and deal with drugs and drug prevention shall be implemented following agreement with the Police.

TOILETS

The toilet facilities will be checked hourly. These checks shall be recorded in a bound log which shall be kept on the premises at all times and made available on request to police officers or authorised Officers of Winchester City Council. Any occurrences outside of normal cleaning, i.e. the finding of drugs or associated items shall be recorded in the log.

All lavatories, WC's and urinals in the premises shall at all times be kept in good order and repair and be properly cleaned, ventilated, disinfected and supplied with water (hot and cold) and the doors leading into these facilities shall be suitably marked.

FIXED BAR

Alcohol shall only be supplied from the fixed bars as shown on the plan deposited with the Licensing Authority as part of the premises licence.

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 letter to acknowledge that they have completed this training and have understood their responsibilities on this area. This training should be reviewed and updated at reasonable intervals.

POLYCARB

The venue shall use polycarbonate drinking vessels and where commercially available polycarbonate. No glass bottles shall be dispensed to customers and therefore either plastic bottles must be used or the beverage decanted from the glass bottle.

FLOOR WALKER

On Friday and Saturday from 2100 hours until the closing time of the venue A floor walker will be on duty in the venue.

Whilst on duty they will be employed on that role and no other role. They will be identifiable by wearing a red shirt with floor walker written on it in white stenciling. On a daily basis the identity of the floor walkers will be logged in a register and the register signed by the floor walkers at the commencement of their duty. This register will be available on request to Police and Licensing Authority officers.

PERSONAL LICENCE HOLDER

There shall be at least one personal licence holder on each bar at any time a bar is open and supplying alcohol.

AGE POLICY

The Premises Licence Holder shall have a written age verification policy in relation to the sale or supply of alcohol and will specify a Challenge 25 proof of age requirement before sales of alcohol are made

Annex 3 – Conditions attached after a hearing by the licensing authority

- (1) All external windows on the front elevation of the premises shall be closed and kept closed from 22:30pm until the end of specified opening hours on any day
- (2) (i) All sound amplification systems shall be played through a suitable sound limiting device
(ii) The sound level from this device shall be set at a level agreed with Environmental health services at Rushmoor Borough Council
(iii) Any change to this sound level shall be agreed in advance with environmental health Services giving at least five working days notice
- (3) (i) Notwithstanding the requirements above, the licence holder or nominated representative(s) shall carry out a regular noise assessment of the area adjacent to the premises whilst licensable activities are taking place
(ii) Noise assessments shall take place on all sides of the premises at the boundary of the nearest residential premises, and if audible, steps should be taken to reduce noise from the public house to a level where noise is no longer audible at the monitoring points
(iii) these assessments shall be undertaken at hourly intervals starting from 22:30pm
(iv) Written records of these assessments and any remedial action taken should be kept and made available to either the local authority or the licensing Authority when requested.

FUNKY END REVIEW

APPENDIX C

18/6/15

Met with area manager and dps. All are very dissapointed with the recent incident and assure me that it was a one off. I am led to believe that the door man has been suspended from the door company DGL. having lloked at the previous incidents, I note a glassing in February.

The venue have initiated the use of a body worn video that will be operated by the new head doorman. I have asked for a minor vartiation (w/s 19/6/15 16:06) to include additional security, upgraded cctv conditions, floor walker , body cam updated policies and procedures, polycarb glasses amongst others . This was met with a level of hostility from the DPS as any additional expenditure at the venue could see it go under. I explained in no uncertain terms, that the finicial state of the venue was in no way of my concern. However the health and well being of its patrons where.

I have given the venue 14 days to respond to my request.

2903

FUNKY END REVIEW

APPENDIX D

PC 2373 Ladhams Licensing Visits to premises October 2015 – present.

04/10/2015:

Premises visited at 0130hrs, 136 persons inside according to door staff, overall impression was one of tension, three individuals who had been refused at Popworld had found entrance to the premises.

The music was that which I would associate with a Rave, there seemed to be a much higher percentage of males than females, two males were dancing vigorously in the narrow walkway to the right of the premises making it impossible to walk passed without having to speak to them.

Overall it seemed that it had the potential for some kind of incident to occur within.

07/11/2015

Visited the premises at 1150-1215hrs, fairly quite inside and a good atmosphere, premises was being managed by Kumah the bar manager, DPS is on holiday.

Spoke with door staff, three were on the door and discussed the incident three or four weeks ago where an allegation of assault was made.

No issues of concern. Door staff are DGL.

27/11/2015

Premises visited on Friday 27th at around Midnight, 70 persons inside, spoke with a new door staff member who is IC3 and advice given should he receive any racial abuse.

12/12/2015

Visited the premises at 0100 - 0120hrs on Saturday 12th December, premises busy, DJ playing recorded music and there was a power cut whilst I was there which shut down the music for about ten minutes though customers remained relatively good humoured. This subsequently turned out to have been a customer who has spilt his drink on electrics.

Spoke with door staff, no issue.

13/12/2015

Premises visited 0230hrs - 0300hrs on Sunday 13th December 2015, premises was busy and DJ playing recorded music, door staff from the George were in having a pint.

Whilst talking to door staff outside the premises a male and female came out following a dispute inside and were refused re entry, she became very aggressive and volatile and the door staff from The George, who had now come outside, were assisting in calming her down and doing a reasonable job, the female was particularly stubborn and I ended up identifying myself to her and calmed her down to ensure she didn't assault anyone. She was with her partner but there may have been domestic type undertones adding to her issues, I gave her my contact card and ensured that she left with her partner and a couple of friends in a taxi.

Appendices E & G – RESTRICTED
To be distributed in accordance with any paragraph 4.2

Appendices F & H – CCTV FOOTAGE

Appendix I – Funky End 07/02/2015 – 21/03/2016

Funky End VAP						
RMS	Aggrieved	Suspect	Date	Trading Day	Time	Outcome
44150044558	M35	M30	07/02/2015	Saturday	23:02	CH See note
44150087094	M36	M UK	14/03/2015	Friday	01:50	UU - NC
44150088065	M35	M25	15/03/2015	Saturday	00:10	CH See note
44150095775	Door staff	F29	21/03/2015	Friday	01:35	UU - ED
44150095793	Doorstaff	M UK	21/03/2015	Friday	02:34	UU - ED
44150105516	M35	M40	29/03/2015	Saturday	23:00	UU - NC See note
44150121968	F28	F19	12/04/2015	Saturday	02:00	UU - NC
44150129638	M38	D Staff	18/04/2015	Friday	01:48	UU - ED
44150139849	M35	M25	26/04/2015	Saturday	02:45	AC
44150191687	M30	M42	07/06/2015	Saturday	01:00	CH
44150192611	M25					See note
44150273919	M27	D Staff	09/08/2015	Saturday	00:20	UU - ED
44150274018	Staff	M27	09/08/2015	Saturday	00:20	UU - ED
44150274072	F22	F19	09/08/2015	Saturday	02:58	CH
44150282094	M30	M21	15/08/2015	Friday	02:00	UU - NC
44150352938	M37	D Staff	11/10/2015	Saturday	02:30	UU - ED
44150359052	F26	UK	16/10/2015	Thursday	00:50	UU - NC
44150360467	F24	F41	17/10/2015	Friday	00:30	UU - ED
44150388175	F28	D Staff	08/11/2015	Saturday	01:50	UU - ED
44150388522	F23					
44150389711	D Staff	F28				CH -
44150389745	D Staff	F23				See note
44150407020	Doorstaff	F37	11/10/2015	Saturday	03:30	UU - ED
44150424244	U/K	U/K	06/12/2015	Saturday	02:59	UU - ED
44150445665	Police Officr	M28	20/12/2015	Saturday	00:05	CH
44150452673	M26	U/K	25/12/2015	Thursday	01:00	UU - ED
44160000583	F25	U/K	01/01/2016	Thursday	03:02	UU - ED
44160033583	The State	M29 M30	22/01/2016	Friday	22:45	Ongoing See Appendix

44160092397	M33	M48	06/03/2016	Saturday	02:54	AC
44160110451	M36	M37 M18 M17 M20	20/03/2016	Saturday	01:00	Ongoing See Appendix C

AC – Adult Caution CH - Charged UU-ED Filed Undelected – evidential difficulties UU – NC. Filed No complaint Ongoing

Notes:

1 – This matter was an assault occasioning Grievous Bodily Harm (GBH). This was committed with a bottle and led to a male being charged with wounding with intent. He later received a 20 month custodial sentence suspended for 2 years at Crown Court.

2 – CCTV requested assistance at the venue after a customer was seen assaulting door staff and also racially abusing them. He was later charged and given a custodial sentence when he appeared at court.

3 – This matter resulted in no complaint and is recorded as ABH. However the injury is significant involving broken teeth.

4 – This matter is also a GBH however the suspect for this matter is a door man. This matter is still ongoing at Crown Court.

5 – This matter involves complaints from both door staff and members of the public. Evidence has pointed towards the door staff acted in a reasonable manner and the female ended up being charged with assault on the door staff.

Analysis

It is clear that the Funky end has an older clientele. Most reviews I have conducted (IE Large city night clubs) see a demographic under 25. It is clear that whilst there are persons in the age bracket involved in violence at this location, the majority are over 25.

Total number @ each age	
17 -21	6
22-26	9
27-31	11
31-35	5
35-39	6
40+	4
Male	Female
32	9

The time and day of the incidents need to be considered together:

Time of Incidents (26 incidents)	
2200-2230	0
2230-2300	1
2300-2330	2
2330-0000	0
0000-0030	5
0030-0100	1
0100-0130	3
0130-0200	4
0200-0230	3
0230-0300	5
0300-0330	2

Trading Day (26 incidents)	
Monday	0
Tuesday	0
Wednesday	0
Thursday	3
Friday	7
Saturday	16
Sunday	0

It is very clear from the evidence that the actual premise itself is not the issue, it is the hours of opening and day of opening. On the days it operates as a traditional pub with traditional hours there are **ZERO** incidents of violence in the last 13 months. The incidents of violence are exclusively on nights where hours are extended (Thursday – Saturday) and almost 90% of incidents happen after midnight. All incidents bar 1 happen after the cessation of alcohol sales on a normal night. This is a clear indication as to where the problem lies.

FUNKY END REVIEW

APPENDIX J

Conditions to apply at all times

01 - The licence holder shall ensure that all members of staff responsible for the sale of alcohol are trained with regard to the relevant requirements of the Licensing Act 2003 in order to ensure compliance with all relevant provisions of the Act. A record of each individual member of staffs training will be available for inspection by police or authorised persons at all times the venue is open to the public. Records must be kept on site and will be kept for a minimum of 6 months.

02 - An incident book shall be kept at the premises in which will be recorded all incidents of crime and disorder. This book will be reviewed by the designated premises supervisor at least once a month. This review will be recorded in the incident book.

03 - The applicant will provide a written refusals policy document which will be adhered to. This document will be agreed in conjunction with the police. The policy can be amended if agreed in writing with the Police Licensing Department. A log of all refusals of service will be kept, and will include the time, date, location and member of staff who carried out that refusal.

04 - There will be a written ejection policy document which will be adhered to. This document will be agreed in conjunction with the police. The policy can be amended if agreed in writing with the Police Licensing Department.

05 - There will be a record all ejections in a log book that will be retained for 6 months. This book can be the same as the incident book. Each member of staff involved in the ejection will be recorded and a short explanation is required

06 - The DPS or a nominated representative shall be an active member of any local Pubwatch or Clubwatch Scheme where such a scheme exists and welcomes the venues involvement.

07 - No person who is the subject of a court banning order or who is restricted access through a Pubwatch/Clubwatch Scheme will be allowed in the premises provided the details of such person have been circulated by such a scheme operating locally.

08 - The licence holder shall participate in any local scheme utilising text/ radio pagers or similar technology. Such equipment shall be kept in working order at all times; any pager link to be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public.

09 - No person shall be allowed to leave the premises with any bottle or glass.

10 - At all times when the venue is open to the public a first aid trained member of staff will be on duty.

11 - CCTV

The licence holder shall comply with the following conditions relating to the CCTV system installed at the premises:

Operation and Storage.

The CCTV system must be fully operational whilst the venue is open to the public. The recording equipment will be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.

A record will be kept of any access made to information held on the system.

The system will be regularly maintained and serviced.

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

The images produced will be time and date stamped.

Digital systems will have sufficient storage capacity for 28 days good quality pictures or such other timings for retention of images as may be agreed in writing with the Chief Officer of Police.

Access

It is important that the Police are able to access data from the systems quickly and easily and therefore provision will be made for someone to have access to the secure area and also be able to operate the equipment.

All operators will receive training from the installer when equipment is installed and this will be cascaded down to new members of staff.

A simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems).

Following the review of the premises license dated (insert committee date) the CCTV system will be updated and agreed with a representative of the chief officer of police. Should the Chief Officer of Police and the premises not agree on a system the final arbiter will be the licensing authority.

The venue will update the police licensing team whenever the system is updated or altered.

12 - At all times when the venue is open to the public a first aid trained member of staff will be on duty.

Conditions to apply after 2000hrs on Thursday, Friday and Saturday

13 – **Door Staff:** On Thursday, Friday and Saturdays from 2000hrs there will be a minimum of 3 Security Industry Authority (SIA) registered security staff on duty at the premises whenever the premises is open to the public for licensable activity.

Of the three SIA staff, at least 1 must be position on the front door, and at least 1 must be dedicated to inside the venue.

In addition, the duty manager should make a dynamic risk assessment of the premises circumstances at the time based on customers or the type of function at the venue and the number of SIA Door Supervisors increased where circumstances dictate.

A log book shall be kept on the premises by the Designated Premises Supervisor, which shall contain the following details:

- i) the door supervisor's name
- ii) his/her SIA licence number
- iii) the time and date he/she starts and finishes duty
- iv) each entry shall be signed by the door supervisor

The log book shall be immediately available for inspection on demand by an authorised officer of the Council, the SIA or the police

All searches conducted on female customers shall only be undertaken by a female SIA registered door supervisor.

The premises licence holder shall ensure that frequent toilet checks are carried out and records kept of these, to prevent drug misuse and other offences that are known to occur in toilets.

The premises licence holder shall ensure that all security staff will be readily identifiable to members of the public at all times by wearing high visibility clothing (agreed by Police) to enable their identification on CCTV.

At the terminal hour of operation, the licence holder shall ensure that adequate numbers of door supervisors are employed to assist with the management of customers leaving the venue as well as those remaining in the vicinity of the premises. 2 members of door staff are to patrol the vicinity of the venue for 15 minutes after closing, to assist with safe dispersal from the area

14 – **Body Worn Video:** A minimum of two body worn video cameras (BWV) will be worn by SIA staff when the Premises are open. The cameras will be have an ability to record and any recordings will be kept for a minimum of 28 days and made available to the Responsible Authorities (as defined by the Licensing Act 2003) upon request. Should such a camera break or otherwise become inoperable, it will be replaced with 48 hours.

At least one BWV will be worn by an SIA posted solely in to any open room where licensable activity is taking place. That SIA will be free from other duties so he or she can purely respond to any incidents inside his or her dedicated room.

At least one BWV will be deployed to an SIA member of staff posted to the front door.

15 - After 2000 hrs on a Thursday, Friday and Saturday the venue will ensure that there is a members of staff designated as a floor walker. A record of who is performing this function will be kept in a log book which will be available at all times the venue is open for inspection by police or an authorised person. The staff carrying out this role are not to have any other function at the same time. There will be a written floor walker policy will be produced which shall include the role profile and tasks of the floor walkers. This policy must be agreed in writing with the police

Conditions to apply after 2000hrs on Thursday, Friday and Saturday where the venue is open after midnight

16 - Any glasses into which drink is dispensed shall be made from toughened shatterproof glass / Polycarbonate equivalent. No glassware shall be provided to customers. Where plastic or polycarbonate bottles are not available, any drinks served will be decanted into a vessel compliant with this condition.

17 - There shall be no admittance or re-admittance to the premises from 0000hrs or for the last hour prior to the venues closing time should it be closing earlier than its premises license allows.

18 - The premises licence holder will provide and maintain in good working order an electronic scanning device, such as Clubscan. If the equipment fails the Police Licensing Department will be notified immediately in writing or by e- mail and the equipment must be repaired or replaced within 72 hours.

19 - All customers entering the premises when it is open for licensable activity will be asked to produce photographic identification and agree to the said identification being used for scanning. Customers who do not agree to this or who have no photographic identification will be refused entry. All identification provided by customers shall be scanned electronically. Acceptable identification will be as per current Home Office Guidance.

Annex 3 – Conditions attached after a hearing by the licensing authority

- (1) All external windows on the front elevation of the premises shall be closed and kept closed from 22:30pm until the end of specified opening hours on any day
- (2) (i) All sound amplification systems shall be played through a suitable sound limiting device
(i) The sound level from this device shall be set at a level agreed with Environmental health services at Rushmoor Borough Council
(ii) Any change to this sound level shall be agreed in advance with environmental health Services giving at least five working days notice

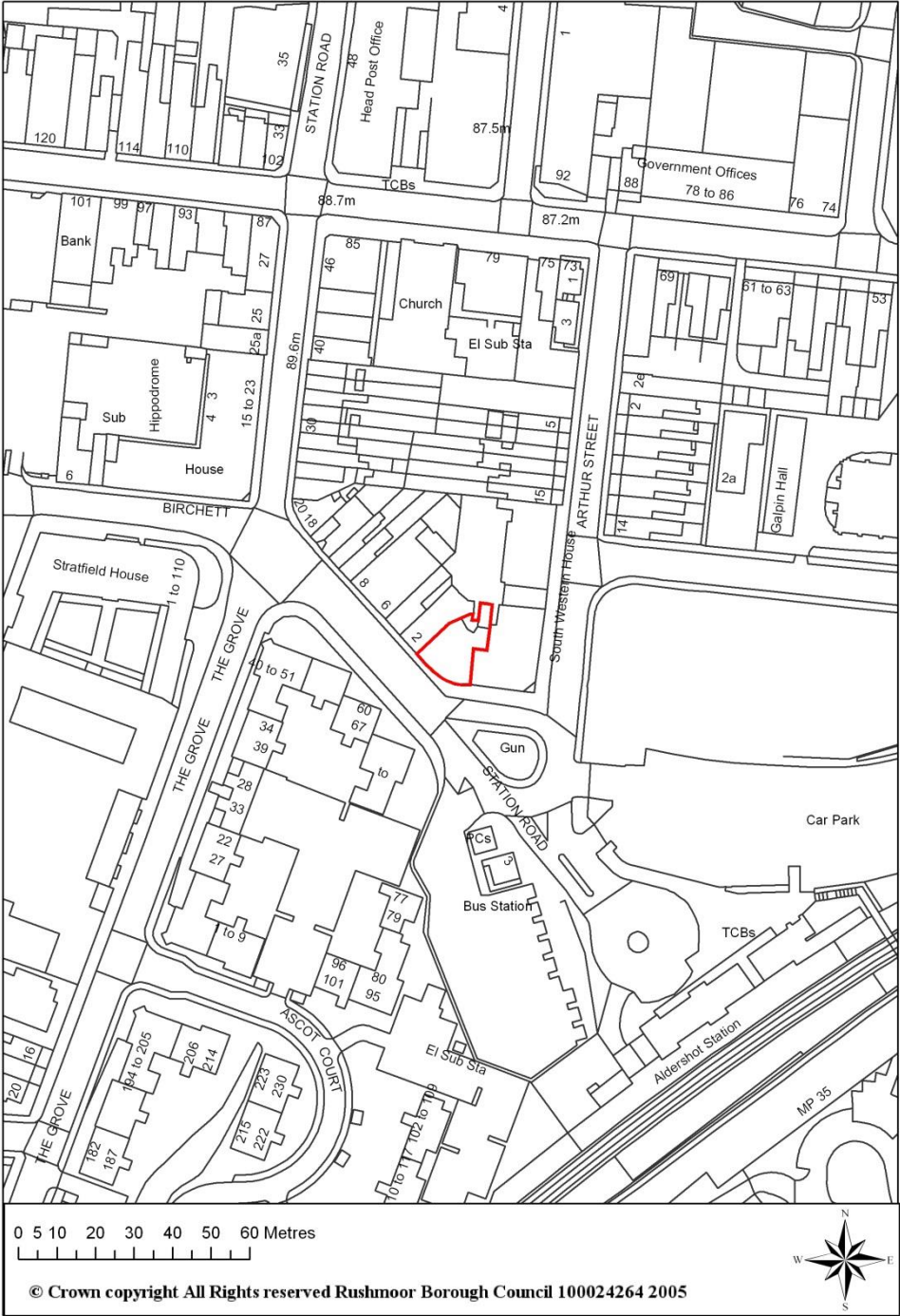
- (3) (i) Notwithstanding the requirements above, the licence holder or nominated representative(s) shall carry out a regular noise assessment of the area adjacent to the premises whilst licensable activities are taking place
- (ii) Noise assessments shall take place on all sides of the premises at the boundary of the nearest residential premises, and if audible, steps should be taken to reduce noise from the public house to a level where noise is no longer audible at the monitoring points
- (iii) these assessments shall be undertaken at hourly intervals starting from 22:30pm
- (iv) Written records of these assessments and any remedial action taken should be kept and made available to either the local authority or the licensing Authority when requested.

made available to officers of Rushmoor Borough Council on request. These records should include, but not be limited to, the nature of any complaint(s), action(s) taken in response, the date(s) and time(s) when any complaint was made, together with the name of the person(s) who handled the complaint.

(6) With the exception of bona fide employees / staff and customers who have stepped outside to smoke, no individual(s) shall be permitted to enter or re-enter the premises at any time between 01:30am and the end of specified opening hours on any day.

(7) Local residents, particularly those inhabiting Ascot Court and Kingsley Court, shall be provided with a direct number to contact the premises should they wish to make complaint

MAP OF THE AREA OF THE PREMISES
THE FUNKY END, STATION ROAD, ALDERSHOT



**PREMISES LICENCE
THE FUNKY END, STATION ROAD, ALDERSHOT**

Premises Licence Number
14/00507/LAPRE - 1/11



**RUSHMOOR
BOROUGH COUNCIL**

PREMISES LICENCE

Licensing Act 2003

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description	
Address:	Funky End Station Road Aldershot Hampshire GU11 1HT
	Map Ref (E): 486576 Map Ref (N): 150512 UPRN: 200003212419
Telephone	01252 895911
Where the licence is time limited the dates	
	➤ This licence is NOT time limited
Licensable activities authorised by the licence	
	(1) The retail sale / supply of alcohol; (2) The provision of regulated entertainment by way of indoor sporting events (celebrity pool and/or darts exhibitions only); (3) The provision of regulated entertainment by way of live music (including Karaoke), (indoors only); (4) The provision of regulated entertainment by way of recorded music (indoors only); and (5) The provision of regulated entertainment by way of anything of a similar description to live or recorded music (indoor only).
Times the licence authorises the carrying out of licensable activities	
	For all permitted licensable activities:- ➤ Sundays - 12:00noon to 23:00pm; ➤ Monday to Wednesday - 11:00am to 24:00midnight; ➤ Thursdays - 11:00am 02:00am the following day; ➤ Fridays & Saturdays - 11:00am 03:00am the following day; ➤ On public and bank holidays where they fall on Sundays to Thursdays – one additional hour; ➤ On New Year's Eve, except on a Sunday – 11:00am to 23:00pm; ➤ On New Years Eve on a Sunday – 12:00noon to 22:30pm; and ➤ On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.
The opening hours of the premises	
	(1) Sundays - 12:00noon to 23:30pm; (2) Monday to Wednesday - 11:00am to 00:30am the following day;

- (3) Thursdays - 11:00am 02:30am the following day;
- (4) Fridays & Saturdays - 11:00am 03:30am the following day;
- (5) On public and bank holidays where they fall on Sundays to Thursdays – one additional hour;
- (6) On New Year's Eve, except on a Sunday – 11:00am to 23:00pm;
- (7) On New Year's Eve on a Sunday – 12:00noon to 22:30pm; and
- (8) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

➤ Alcohol may be sold / supplied for consumption ON and OFF the premises

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Name: Punch Taverns Plc
Address: Jubilee House
Second Avenue
Burton-upon-Trent
Staffordshire
DE14 2WF

Telephone: 01283 501600
Email: Not Known

Registered number of holder, e.g. company number, charity number (where applicable)

➤ 03752645 (Company number)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Name: Mr Oliver Cluskey
Address: [REDACTED]

Telephone: [REDACTED]**Email:** [REDACTED]**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Personal licence number: 05/00292/LAPER2
Issuing authority: Rushmoor Borough Council

Granted by Rushmoor Borough Council, as licensing authority
pursuant to the Licensing Act 2003 and regulations made thereunder

Date Licence Granted: 11th October 2005
Date Licence Effective: 24th November 2005
Date last modified: 16th October 2014
(Variation of licence)

SIGNED on behalf of the
Head of Environmental Health & Housing Services
(Authorised Officer)

Annex 1 – Mandatory conditions

- (1) No supply of alcohol may be made under the premises licence:-
 - (i) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (ii) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- (3) Where one or more individuals must be at the premises to carry out a security activity (within the meaning of the Private Security Industry Act 2001), each individual must be licensed by the Security Industry Authority (SIA).
- (4)
 - (i) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (ii) For the purposes of this condition, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children –
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on –
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- (5) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- (6) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- (7) (i) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (ii) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- (8) The responsible person shall ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

- (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.
- (9) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

Annex 2 – Conditions consistent with the Operating Schedule

- (1) No licensable activities shall be undertaken except during permitted hours.
- (2) The above restriction does not prohibit:
 - (i) during the first thirty minutes after the permitted hours, the consumption of alcohol on the premises;
 - (ii) the taking of alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
 - (iii) during the first thirty minutes after the permitted hours the consumption of alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
 - (iv) the consumption of alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
 - (v) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - (vi) the sale of alcohol to a trader or club for the purposes of the trade or club;
 - (vii) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
 - (viii) the taking of alcohol from the premises by a person residing there;
 - (ix) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
 - (x) the supply of alcohol for consumption on the premises to persons employed there for the purpose of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of the employer or of the person carrying on or in charge of the business on the premises.
- (3) The premises shall remain open for 30 minutes following the last sale of alcohol during permitted hours. This period may be used for drinking-up and the use of lavatories only.

- (4) No children shall be allowed on the premises at any time unless accompanied by an adult
- (5)
 - (i) A minimum of two (2) SIA licensed door supervisors shall be employed and operational at the premises between 21:00pm and the close of business on Fridays and Saturdays and at any other time when regulated entertainment or live music is taking place.
 - (ii) With a view to preventing crime and disorder, the duties of door supervisors shall also include regular checks and monitoring of sanitary conveniences and all external drinking areas.
- (6)
 - (i) To assist the prevention of crime and disorder a suitable and sufficient, well-maintained CCTV camera system, linked to a suitable recording facility, shall be in operation throughout the premises.
 - (ii) In compliance with the above, the provision of CCTV shall include cover of the front external aspect and the rear courtyard area of the premises.
- (7)
 - (i) Exits or escape routes from the premises are to be maintained clear of any objects that may impair the ability of persons to use said exits or escape routes at all times.
 - (ii) All exits and escape routes shall be clearly marked by suitable and sufficient signage in accordance with the attached plan(s).
 - (iii) A suitable and sufficient evacuation policy shall be developed and maintained for the premises and implemented as may be appropriate in the event of emergency.
- (8)
 - (i) A suitable, sufficient and well-maintained emergency lighting and fire alarm system shall be maintained at the premises in accordance with the attached plan(s).
 - (ii) Suitable and sufficient fire extinguishers shall be maintained at the premises in accordance with the attached plan(s). All such equipment must be regularly serviced and maintained in such condition that it may be effectively used at all times.
- (9) The rear courtyard area of the premises shall be served by suitable and sufficient lighting when used in hours of darkness.
- (10) Suitable and sufficient supplies of first aid equipment / materials must also be made available to members of the public on request. Dependant on the activities, events and risks at the premises, a suitably trained first aider or an appointed person for first aid must also be present on the premises at all times during licensable activities.

- (11) Prominent, clear and legible notices shall be located at all exits of the licensed premises requesting patrons and staff to leave the premises and area quietly.
- (12) By way of preventing public nuisance, the main entrance to the front aspect of the premises shall be served by a suitable lobby that ensures, so far as is reasonably practicable, the main entrance to the premises is closed and kept closed at all times, save for access and egress thereof.

Annex 3 – Conditions attached after a hearing by the licensing authority

- (1) All external windows on the front elevation of the premises shall be closed and kept closed from 22:30pm until the end of specified opening hours on any day.
- (2)
 - (i) All sound amplification systems shall be played through a suitable sound-limiting device.
 - (ii) The sound level from this device shall be set at a level agreed with Environmental Health Services at Rushmoor Borough Council.
 - (iii) Any change to this sound level shall be agreed in advance with Environmental Health Services on giving at least five working days notice.
- (3)
 - (i) Notwithstanding the requirements above, the licence holder or nominated representative(s) shall carry out a regular noise assessment of the area adjacent to the premises whilst licensable activities are taking place.
 - (ii) Noise assessments shall take place on all sides of the premises at the boundary of the nearest residential premises, and if audible, steps should be taken to reduce noise from the public house to a level where noise is no longer audible at the monitoring points.
 - (iii) These assessments shall be undertaken at hourly intervals starting from 22:30pm.
 - (iv) Written records of these assessments and any remedial action taken should be kept and made available to either the local authority or the Licensing Authority when requested.
- (4)
 - (i) A suitable written policy on the dispersal of patrons leaving the premises shall be developed for the premises. This policy shall be actively implemented and enforced at the premises and shall be reviewed, revised and updated as often as may be necessary.
 - (ii) All staff and door supervisors will be required to read and sign a copy of the policy as part of their training and to assist in its enforcement as necessary.
 - (iii) This policy will be made available to police and licencing officers on request.
- (5) Suitable written records of any complaints about the premises, its customers, staff and/or the activities carried on there must be kept and

made available to officers of Rushmoor Borough Council on request. These records should include, but not be limited to, the nature of any complaint(s), action(s) taken in response, the date(s) and time(s) when any complaint was made, together with the name of the person(s) who handled the complaint.

- (6) With the exception of bona fide employees / staff and customers who have stepped outside to smoke, no individual(s) shall be permitted to enter or re-enter the premises at any time between 01:30am and the end of specified opening hours on any day.
- (7) Local residents, particularly those inhabiting Ascot Court and Kingsley Court, shall be provided with a direct number to contact the premises should they wish to make complaint.

Annex 4 – Plans

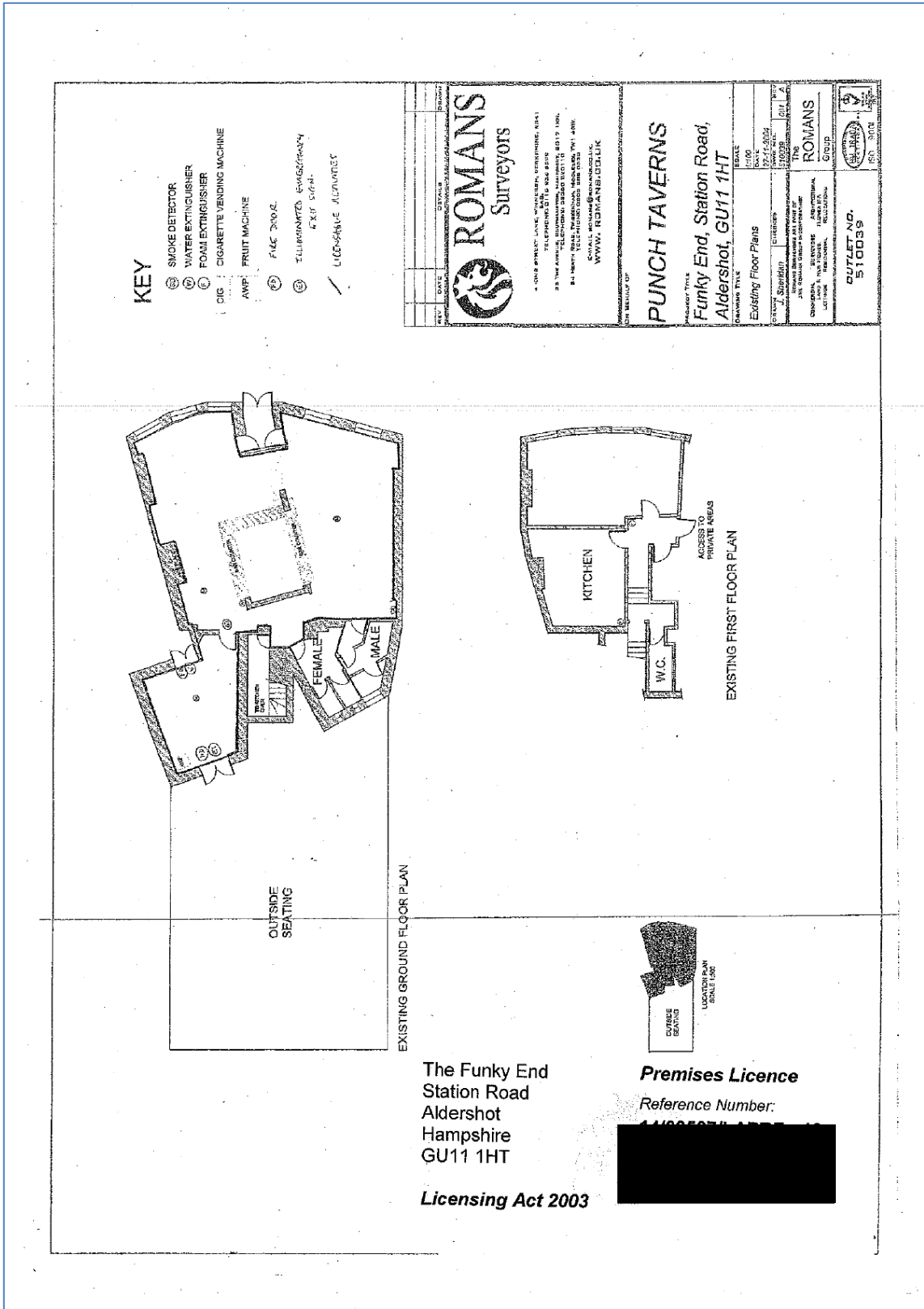
This licence permits the licensable activities stated at the premises addressed above and outlined below in accordance with the plan(s) attached and marked 14/00507/LAPRE - 12.



-oOo-

RUSHMOOR BOROUGH COUNCIL, Environmental Health Services,
Council Offices, Farnborough Road, Farnborough, Hampshire GU14 7JU. Telephone: (01252) 398 398

Fax: (01252) 504 017 • Minicom: (01252) 371 233 • Email: licensing@rushmoor.gov.uk • DX 122250 FARNBOROUGH 2



KEY

- ⊙ SMOKE DETECTOR
- ⊙ WATER EXTINGUISHER
- ⊙ FOAM EXTINGUISHER
- ⊙ CIGARETTE VENDING MACHINE
- ⊙ FRUIT MACHINE
- ⊙ FIRE DOOR
- ⊙ ILLUMINATED EMERGENCY EXIT SIGN
- ⊙ LICENSED PREMISES



ROMANS Surveyors
 * (OVERSEAS) HAVE WORKING PERMITS (RSL)
 TELEPHONE: 01753 504518
 25 THE ARCADE
 TELEPHONE: 01753 504518
 24 NORTH WALTON ROAD, BIRMINGHAM, B15 2JF, UK
 EMAIL: ROMANS@ROMANSURV.COM
 WWW: ROMANSURV.COM

PUNCH TAVERNS

PROJECT TITLE
**Funky End, Station Road,
 Aldershot, GU11 1HT**

DATE	12/11/2010
SCALE	1:100
PROJECT NO.	10009
CLIENT	THE ROMANS GROUP
DESIGNER	ROMANS SURVEYORS
OUTLET NO.	510039

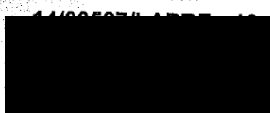
EXISTING GROUND FLOOR PLAN

EXISTING FIRST FLOOR PLAN

The Funky End
 Station Road
 Aldershot
 Hampshire
 GU11 1HT

Premises Licence

Reference Number:



Licensing Act 2003

SUMMARY OF PREMISES LICENCE APPLICATION HISTORY

PREMISES LICENCE HISTORY
The Funky End, Station Road, Adeshot, Hampshire GU11 1HT
as at 28th April 2016

Page 1 of 2

Licence Details			Application Details		
Application Reference	Licence Type	Sub-Type	Legislation	Date Received	Date Granted (if granted)
93/00033/PE	Public Entertainment Licence	New	Local Government (Miscellaneous Provisions) Act 1982	18.03.1993	N/A
94/00010/PER	Public Entertainment Licence	Renewal	Local Government (Miscellaneous Provisions) Act 1982	25.01.1994	16.03.1994
95/00005/PER	Public Entertainment Licence	Renewal	Local Government (Miscellaneous Provisions) Act 1982	31.01.1995	16.03.1995
96/00011/PER	Public Entertainment Licence	Renewal	Local Government (Miscellaneous Provisions) Act 1982	29.02.1996	16.03.1996
97/00020/PE	Public Entertainment Licence	Renewal	Local Government (Miscellaneous Provisions) Act 1982	14.04.1997	14.07.1997
97/00020/PER	Public Entertainment Licence	Renewal	Local Government (Miscellaneous Provisions) Act 1982	14.04.1997	No detail
98/00019/PER	Public Entertainment Licence	Renewal	Local Government (Miscellaneous Provisions) Act 1982	26.05.1998	11.07.1998
99/00016/PER	Public Entertainment Licence	Renewal	Local Government (Miscellaneous Provisions) Act 1982	11.06.1999	10.07.1999
00/00031/PER	Public Entertainment Licence	Renewal	Local Government (Miscellaneous Provisions) Act 1982	06.07.2000	11.07.2000
05/00294/LAPRE2	Premises Licence	Conversion	Licensing Act 2003	20.06.2005	On Conversion
05/00295/LAPRE	Premises Licence	Variation	Licensing Act 2003	20.06.2005	Determined at hearing (see report A&E 05022)
06/00322/LATEMP	Temporary Event Notice	New	Licensing Act 2003	17.05.2006	Granted
06/00374/LATEMP	Temporary Event Notice	New	Licensing Act 2003	09.06.2006	Granted
09/00407/LAPRE	Premises Licence	Variation	Licensing Act 2003	21.06.2006	Granted
07/00536/LATEMP	Temporary Event Notice	New	Licensing Act 2003	30.07.2007	Granted
08/00236/LATEMP	Temporary Event Notice	New	Licensing Act 2003	02.04.2008	Granted
09/00602/LATEMP	Temporary Event Notice	New	Licensing Act 2003	08.10.2009	Granted
09/00671/LAPRE	Premises Licence	Variation	Licensing Act 2003	05.11.2009	Granted
11/00267/LATEMP	Temporary Event Notice	New	Licensing Act 2003	04.05.2011	Granted
11/00555/GALPN	Premises Notification	New	Gambling Act 2005	30.08.2011	Granted
11/00636/LATEMP	Temporary Event Notice	New	Licensing Act 2003	29.09.2011	Granted
12/00286/LATEMP	Temporary Event Notice	New	Licensing Act 2003	11.05.2012	Granted
12/00342/LATEMP	Temporary Event Notice	New	Licensing Act 2003	25.05.2012	Granted
14/00277/LATEMP	Temporary Event Notice	New	Licensing Act 2003	09.05.2014	Granted

PREMISES LICENCE HISTORY

The Funky End, Station Road, Adishot, Hampshire GU11 1HT
as at 29th April 2016

Licence Details				Application Details		
Application Reference	Licence Type	Sub-Type	Legislation	Date Received	Details / Outcome	Date Granted (if granted)
14/00473/LATEMP	Temporary Event Notice	New	Licensing Act 2003	14.08.2014	Granted	14.08.2014
14/00507/LAPRE	Premises Licence	Variation	Licensing Act 2003	01.09.2014	Granted – determined at hearing (see report A&E 416)	16.10.2014
14/00710/LATEMP	Temporary Event Notice	New	Licensing Act 2003	04.12.2014	Granted	05.12.2014
15/00245/LATEMP	Temporary Event Notice	New	Licensing Act 2003	21.04.2015	Granted	21.04.2015
15/00309/LATEMP	Temporary Event Notice	New	Licensing Act 2003	18.05.2015	Invalid Application	
15/00873/LATEMP	Temporary Event Notice	New	Licensing Act 2003	09.12.2015	Granted	09.12.2015
16/00183/LATEMP	Temporary Event Notice	New	Licensing Act 2003	08.03.2016	Granted	08.03.2016
16/00234/LAPRER	Premises Licence	Review	Licensing Act 2003	31.03.2016	Current	
16/00293/LATEMP	Temporary Event Notice	New	Licensing Act 2003	18.04.2016	Objections received from police – Hearing cancelled by applicant	
16/00294/LATEMP	Temporary Event Notice	New	Licensing Act 2003	18.04.2016	Objections received from police – Application refused	

**REPRESENTATION – LICENSING AUTHORITY
THE FUNKY, STATION ROAD, ALDERSHOT**



Council Offices, Farnborough Road,
Farnborough, Hants. GU14 7JU
Tel: (01252) 398 399
Website: www.rushmoor.gov.uk

Your reference: 18/00234/LAPRER

Contact: Wendy Harden

Our reference

Telephone: 01252 398245

Email: wendy.harden@rushmoor.gov.uk

Date: 20 April 2016

**Representation to Review of Premises Licence
The Funky End, Station Road, Aldershot, Hampshire, GU14 0EU**

My name is Wendy Harden and I am employed as a Licensing Officer for Rushmoor Borough Council. I have been employed in this capacity for 10 months. Prior to this I was a Police Officer for 9 years. I hold a BIAB Level 2 Award for Personal Licence Holders, a BIAB Level 2 Award for Licensing Practitioners (Alcohol) and a BIAB Level 2 Award for Licensing Practitioners (Gambling).

I am making this representation in the capacity of a responsible authority as defined in Section 13(4) of The Licensing Act 2003 and in accordance with the procedure for review of a premises licence detailed in Section 51 of the Licensing Act 2003.

I am making this representation at this time and in respect of the above named premises as it is my opinion that steps are necessary to promote the licensing objective prevention of crime and disorder. What steps are appropriate is a decision for the members, however given that the review application suggests a number of additional conditions are applied to the licence, and in order to inform members decision, below is a list of visits carried out at the premises by Licensing Officers since the hours for licensable activities were extended in October 2014.

Date of Visit	Reason for Visit	Findings
10/10/14	Representation submitted by local resident to the application to extend the hours suggested there were ongoing noise issues at the premises, therefore visit to ensure compliance with noise related conditions.	Annex 3 Condition (3) being breached - noise was audible from boundary of residential premises both to the side and opposite the premises, and no noise assessment records were available
26/01/15	Follow up from previous visit.	Noise not audible from boundary of residential premises and noise assessments were being carried out and recorded as required. On discussion, it became apparent that noise assessments were only being carried out on Fridays and Saturdays when they have music, advised that need to do them every night they are open regardless of whether there is entertainment.

Chief Executive Andrew Lloyd • Corporate Director David Oulik • Corporate Director Ian Harrison

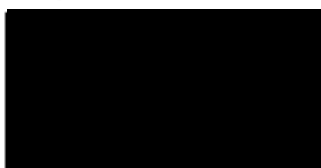
customerservices@rushmoor.gov.uk

www.rushmoor.gov.uk

DX 12250 FARNBOROUGH 2

16/10/15	Joint visit with Police Licensing Officer to view CCTV, following a complaint to police from a customer that a member of the door staff had assaulted her.	CCTV showed no wrongdoing on part of door staff, and no licensing compliance concerns.
15/01/16	Information received from Environmental Health that they have received and investigated a noise complaint. It transpired that the complaint was as a result of the rear room of the pub being hired for private parties who were bringing in their own DJ's. The rear doors were routinely propped open by revellers and the music systems set up in the rear room were not connected to the premise's Sound Limiting Device, which was a breach of condition 2, in Annex 3 of the premises licence. DPS agreed that they will no longer allow private parties in the rear room and will address the issues raised by the complaint.	Fully compliant with noise conditions of licence.
27/01/16	Day of Action – Operation arranged by police to visit all on-licensed premises in Aldershot.	Full licence inspection carried out. Whilst a dispersal policy was in place as required by Annex 3 Condition (4) the door staff had not signed to say that they were aware of it. Some advice was also given with regards to 'best practice' in respect of staff refresher training.
09/03/16	Follow up from previous visit	Actions from previous visit carried out, including organising refresher training in accordance with the best practice advice given.

We have always found the DPS Oliver Cluskey, and the other staff and management at the premises co-operative and willing to work with the responsible authorities. Any actions both those that are required by law / condition and those that are provided as 'best practice' advice have always been implemented at the premises. Mr Cluskey is also the Chair of the local Pubwatch, and has been actively involved for many years.



**REPRESENTATION – ENVIRONMENTAL HEALTH
THE FUNKY END, STATION ROAD, ALDERSHOT**



Licensing Act 2003

Memo to: Licensing Authority

Date: 14 April 2016

From: Responsible Authority (Prevention of Public Nuisance)

Re: The Funky End, Station Road, Aldershot

Review of the Premises Licence

On behalf of the Responsible Authority for the Prevention of Public Nuisance, I would like to submit a representation in respect of the review of the premises licence for The Funky End, Station Road, Aldershot, GU11 1HT requested by Hampshire Constabulary.

Since the implementation of the Licensing Act 2003, the Environmental Control team has received eight complaints of noise disturbance from local residents in relation to The Funky End. Appendix A provides a summary of these complaints.

The Responsible Authority for the Prevention of Public Nuisance has taken the opportunity to consider the existing licence conditions and whether these ensure that noise from the premises is adequately controlled in view of the complaints received.

Following this, it is recommended that the conditions below contained in Annex 3 of the licence be amended. These conditions are considered necessary and appropriate to reduce the likelihood of public nuisance.

Annex 3, Condition 1

All external doors and the front internal lobby doors shall be kept closed, other than during access and egress from 21:00 hours until the end of specified opening hours on any day. All external doors and front internal lobby doors shall be fitted with self-closing devices.

All external windows shall be kept closed from 21:00 hours until the end of specified opening hours on any day.

**APPENDIX A
COMPLAINT HISTORY**

Date	Details of complaint	Location of complainant	Outcome of investigation
May 2006	Loud music from premises	Ascot Court, Station Road	Premises visited and advice given by officer. No further contact received.
January 2008	Noise issues from People outside premises	Kingsley Court, Windsor Way	Premises visited and advice given by officer. Complainant advised noise level had improved.
September 2009	Loud music from the premises	Address not given	Premises visited and advice given by officer. No further contact received.
October 2011	Noise from music	Ascot Court, Station Road	Premises visited and advice given by officer. No further contact received.
June 2012	Complaint received through 101 service. Noise from premises, both doors wedged open	Ascot Court, Station Road	Premises visited and advice given by officer. No further contact received.
July 2013	Noise from people congregating outside the Funky End	Address not given	Complainant asked to keep a diary of noise disturbance to enable further investigation. No further contact received.
March 2014	Complaint received through 101 service. Loud music from premises	Ascot Court, Station Road	Complainant asked to keep a diary of noise disturbance to enable further investigation. No further contact received.
September 2015	Noise disturbance from music from premises on three Saturday nights	Alexander House, Station Road	Premises visited and complaint discussed with Manager. Private parties being held in rear room with DJ. Doors being left open at rear. Sound system in rear room not connected to sound limiting device. Licensing team advised. Premises agreed not to have DJ's in rear room and will address issue of doors being left open.

REPRESENTATIONS – MEMBERS OF THE PUBLIC
THE FUNKY END, STATION ROAD, ALDERSHOT

KELLY WILKINSON
LICENSING APPRENTICE
ENVIRONMENTAL HEALTH
AND HOUSING
RUSHMOOR, BOROUGH COUNCIL
FARNBOROUGH - HANTS GUILF - 7 JUL 6TH APRIL 2016
Your REF:- 16/00234/LAPRE

REFERENCE THE FUNKY END STATION ROAD ALDERSHOT HANTS
REVIEW OF PREMISES LICENCE!

DEAR KELLY WILKINSON,
RUSHMOOR COUNCIL AND YOUR
DEPARTMENT KNOW ONLY TOO WELL OF MY PLIGHT AND
FIGHT, REGARDING THE SAGA OF THE ABOVE NAMED
PUBLIC HOUSE, THE FUNKY END GOING BACK TO THE
YEAR 2008
WHEN I WROTE TO THE CHIEF CONSTABLE AND THE
COUNCILLOR OF WELINGTON WARD, REGARDING THE
OBSERVATIONS SEEN BY MYSELF AND SOME RESIDENTS
OF KINGSLEY COURT.
ON THE 11TH OF FEBRUARY 2008 I RECEIVED A REPLY
FROM MARK CHATTERTON O.C.U. COMMANDER NORTH EAST
HAMPSHIRE, THEIR REF 1579,08
SINCE THEN AND UP TO THE PRESENT DAY THE POLICE
PATROL CAR DO REGULAR CHECKS ON THE RAILWAY CAR
PARK AND AREAS NEAR TO KINGSLEY COURT, FOR WHICH
I AM MOST GRATEFUL.
BUT THE POLICE CAN ONLY DO AS MUCH AS THEY CAN
DUE THE DEMAND AND WORK LOAD PLACED UPON THEM.
OVER THE YEARS AND UP TO THE LATEST INCIDENT
WHICH HAPPENED ON SATURDAY 5TH MARCH INTO SUNDAY 6TH MARCH
2016, WHEN A LARGE TEAN WAS SEEN BY ME TO BE
BLEEDING FROM HIS TORSO WHEN WALKING INTO
THE AMBULANCE UN-AIDED
LITTLE AS CHANGED

RUSHMOOR BOROUGH COUNCIL
ENVIRONMENTAL HEALTH
AND HOUSING
REC'D - 7 APR 2016
REFERRED TO:

2
To Conclude
 ON FRIDAY 19th SEPTEMBER 2014 I WROTE TO THE CHIEF EXECUTIVE ANDREW LLOYD, RUSHMOOR COUNCIL QUOTING REFERENCE NUMBER JAL/VP DATED 17th JANUARY 2008.
 ENCLOSED DOCUMENTATION REGARDING MY FIRST COMPLAINT IN 2007.
 MY LETTER, WAS AGAINST THE FUNKY END PUB APPLYING FOR LATE NIGHT OPENING BY ONE HOUR FROM 2-30 AM TO 3-30 AM AT WEEKENDS AND HOLIDAYS
 ON THURSDAY 16th OCTOBER 2014 AT 10.00 AM MYSELF, COUNCILLOR ALEX CRAWFORD, AND ONE RESIDENT OF KINGSLEY COURT HILDA CHATTERJEE, ATTENDED A MEETING WITH A LICENSING SUB COMMITTEE AND THEN THE LICENSING OFFICER LYNNE FRENCH.
 YOUR REF, LICENSING REPORT NO EHH-LICSUB, A09E 14/16 LETTER TO ME FROM LYNNE FRENCH DATED 23rd SEPTEMBER 2014, REF NO 14/00.507/LAPRE

In Conclusion
 I FULLY SUPPORT, POLICE CONSTABLE 3354 MATTHEW MOSS ON HIS APPLICATION TO REVIEW THE LATE NIGHT OPENING HOURS OF THE FUNKY END PUB, IN MY VIEW THE FUNKY END PUB SHOULD BE CLOSED FOR EVER, WHAT SURPRISES ME IS :- WHY HAS THE NOISE ABATEMENT SOCIETY NOT TAKEN ANY ACTION ON REMOVING THE CONSTANT LOUD BOOM-BOOM NOISE WHICH GOES ON FROM MIDNIGHT UNTIL 3-30 AM, I AM LUCKY IF I CAN FALL ASLEEP AFTER 4 AM
 PLEASE CONSIDER THE RESIDENTS OF KINGSLEY COURT

Copies to
 PC MATTHEW MOSS
 COUNCILLOR ALEX CRAWFORD
 MYSELF

Yours most sincerely
 [Redacted Signature]

RUSHMOOR BOROUGH COUNCIL
 ENVIRONMENTAL HEALTH
 AND HOUSING
 REC'D - 7 APR 2016
 DEFERRED TO:

Kelly Wilkinson
Environmental Health
and Licensing
Rushdown Borough Council
FARNBOROUGH,
Hants Gully - 75u.

[REDACTED]

Your REF 16/00234/LAPRR
RE - THE Funky End

DEAR Kelly Wilkinson,
THANK YOU FOR LETTER DATED
12th APRIL 2016

I WISH TO INFORM YOU THAT I MET COUNCILLOR
ALEX CRAWFORD IN ALDERSHOT ON HIS ROUNDS,
WE SPOKE ABOUT THE Funky End Pub,
HE INFORMED ME THAT THE LICENSEE OF THE
Funky End Pub HAS SPOKED TO THE POLICE
AND HAS COME TO SOME ARRANGEMENT REGARDING
THE DOOR ENTRY TIMES,
WHICH ARE NO ENTRY AFTER 12-30 P.M MIDNIGHT
AT THE WEEKENDS,
THIS DOES NOT STOP PEOPLE GAINING ACCESS FROM
THE REAR END PROBABLY UNKNOWN BY THE BAR
STAFF.

ON THE LICENSING COUNCIL MEETING LAST YEAR
THE LICENSEE SAID HE ^{HE} WOULD PROVIDE TWO DOOR
SECURITY MEN, HE DID FOR ONE WEEK, THEN IT WAS
BACK TO ONE,

REGARDING THE EARLY ENTERING TIME CHANGE,
CUSTOMERS CAN STILL USE THE Funky End UP TO 4 AM
THE SO CALLED BOOM-BOOM NOISE ENDS AROUND 3-30 AM
BUT IS STILL AS LOUD AS EVER BEFORE,

SO I PLEASE WITH YOU ONCE AGAIN TO REVERSE
THE WEEKEND LATE NIGHT OPENING HOURS TO THEIR
NORMAL TIMES.

Sorry about the mistakes, put it down to old age
Yours Sincerely
[REDACTED]

✓ Copy
to
FILE



THE ALDERSHOT CIVIC SOCIETY

c/o The Princes Hall, Princes Way, ALDERSHOT, Hants, GU11 1NX
www.aldershotcivicsociety.org.uk

Working for our Town, our Present, our Future

Licensing
Rushmoor Borough Council
Council Offices
Farnborough Road
Farnborough
Hampshire
GU14 7JU

Monday 18th April 2016

Dear Sir/Madam,

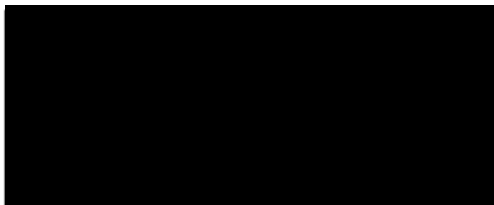
I am writing to you representing the Aldershot Civic Society after our meeting dated 6th April it was agreed to send our support for the Funky Ends License whilst it is under review due to the incident on the 20th March. Whilst it is our view that the safety of everyone in the area is obviously of upmost importance, there should be consideration given to the previous good history of the venue.

The Funky End has hosted meetings for the Aldershot Civic Society, and the owners, Gavin and Oliver have always been welcoming and professional to our organisation. For a town centre pub/bar it is increasingly more unusual for there to be a venue that is welcoming and friendly to everyone, and I have always been surprised at the diversity people and ages that regularly attend this establishment.

From a personal point of view, the Funky End is the only late pub/bar in Aldershot I would feel safe going in after midnight, as I have always found it well managed, diverse and having a good friendly atmosphere.

It is the society's view that the local authority should be showing the highest support for the Funky End, as being the sort of venue Aldershot needs in its town centre, and this is the sort of venue we are happy to support opening late to enhance our night time economy.

Yours faithfully



Members of Civic Voice

From: [REDACTED]
Sent: 04 April 2016 07:50
To: Licensing
Subject: Supporting The Funky End Aldershot

Dear Sir/madam,

I am writing to you in support of The Funky End Aldershot, I believe that due to some recent problems in front of the public house by persons from outside of the area ,the pub is having its licence reviewed.

I have been visiting The Funky End on regular occasions for the past 2-3 years. Since my first visit I have always been warmly welcomed by both the staff, owners and other customers. I attend the pub quiz on Wednesday with my son, the fizz Friday sessions and sometimes go in over the weekend with my husband . I have also been to a couple of the comedy nights and have never at any of the visits had cause for concern or seen any hint of trouble.

The owners are both friendly and approachable ,and even delayed a refit so that I could invite friends to have a drink with me to celebrate my 50th birthday recently.

The refit has been very well done by the owners Ollie and Gavin, who did all the work themselves to save costs, and gives the pub a lovely modern, safe and clean environment. As a 50 year old woman I would feel safe and happy to drink unaccompanied in The Funky End and I could not say this about other town centre public houses.

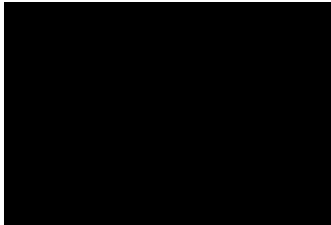
In this day and age when public houses are closing due to poor takings and lack of customers it seems wrong to limit this and any pubs business to such an extent that it would harm their takings at their busiest time. Please do not let the action of people from other parts of the country and who were not even in the pub at the time of the incident harm the business of the Funky End to such an extent that loss of earnings causes another public house to be closed down and turned into flats.

I respectfully ask that you allow the Funky End to continue to open and trade to the hours they require, to enable them to be competitive with other public houses and clubs in the town. I also ask that you are not influenced by the media reports that always mention "The Funky End" in their reports if anything ever happens nearby not even connected to the Pub.

Yours Sincerely

[REDACTED]

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4 April 2016

Dear Sirs

Licence at The Funky End (Station Road, Aldershot, GU11 1HT)

My name is [REDACTED] I am a 38 year old woman and reside in Aldershot. I work in Camberley as a Support Worker for persons with mental health difficulties. I am also a part-time student at the University of Law, where I am pursuing my Legal Practice Course.

I have been frequenting The Funky End for the past eight years. I usually attend with my partner. Not only is it a place at which to imbibe alcohol, but I appreciate it for its social aspects as well. Although our visits to the Funky End are too numerous to be able to accurately estimate, it would be fair to say that it was often the case that we would go the pub on more than one night per week. We did this because of the people we met at The Funky End. It is a friendly place and the ambiance is calm.

I hold Mr Oliver Cluskey and Mr Gavin Tott in very high regard. Oliver and Gavin run several events such as Quiz Nights and Comedy Nights, both of which function to bring the community together. For example, I have met several people who are now my friends as a consequence of such functions.

The Funky End has its own community of regulars. We share our problems. I experience severe depression, and I have a Borderline Personality Disorder. When I go to The Funky End, the people I meet often have their own experiences to share. It is a place where people can have meaningful conversations, and not have their safety compromised. It would be a shame to lose a local pub.

Violent incidents are not the norm at The Funky End. When I attend other venues, such as The Goose, I feel as if I have to watch my back. I feel safe at The Funky End. Furthermore, Mr Cluskey and Mr Tott do commendable work. For example, on Halloween, they usually throw a party for the children. Few pubs in Aldershot take such proactive measures.

To deprive The Funky End of its licence would be too punitive a result.

Please do not hesitate to contact me if you have any questions or want me to make further representations.

Thank you.

Yours sincerely



United Kingdom

Licensing Manager
Rushmoor Borough Council,
Council Offices,
Farnborough Road,
Farnborough,
Hampshire
GU14 7JU

Tel: 01252 333967

E-mail: [REDACTED]

31st March 2016

Re: Funky End Licence Review

Dear Sir/Madam,

I understand The Funk End licence is under review and I'm writing in support of continuing their current arrangements. I have been visiting the Funky End since 2012 and have never encountered any problems. Moreover, the staff are profession, courteous and the landlords friendly.

I have read the newspaper articles and understand that the recent problems were caused by out of town visitors and I would hate to see a fellow local business suffer as a consequence of these people's actions.

Yours faithfully,

From: [REDACTED]
Sent: 31 March 2016 15:50
To: Licensing
Subject: Representation in respect to license review of The Funky End, Aldershot

Review of Premises License -:

The Funky End
Station Road
Aldershot
Hampshire
GU11 1HT

Name: [REDACTED]

Address: [REDACTED]

Relevance: Local resident and property owner ([REDACTED]).

Dear Licensing Manager

As a local residence since 2014 and frequent visitor to the venue, I can say the staff are friendly, but responsible. Excessive drinking is not encouraged and people are turned away if they turn up drunk. Because of this some of the disorderly behaviour I've seen hasn't been as a result of any failure on the venues competence, but from patrons of other venues turning up after normal closing hours too drunk to the Funky and been turned away and dropping a hissy fit as a result.

As a regular visitor, I've only been witness to a couple of unruly situations inside the venue, but each time this has been sorted quickly and efficiently by the staff/bouncers and I've never felt at risk or in danger. On the rare occasion the venue staff have made the responsible decision to close early to prevent any more problems or possible reprisals from the evicted party.

From my flat, I've been aware of the occasional fracas outside, mainly towards the end of the night / closing time, but these on the whole have just been entertaining verbal exchanges, with the bouncers normally stepping in to calm things down at this point, if they haven't already. They never seem to spill out to involve locals or passers by, so I've never felt at risk for my safety or the safety of my property. Also due to the lateness of these occasional situations, there has never been any children around to be at risk.

I was only partial witness to the recent incident, but as a regular I can say looking out the window at the men involved they weren't known to me, so probably first timers to the venue just up for causing trouble.

The venue is a great local asset and place to visit, so I would be saddened if the late licence was revoked.

Kind regards,

[REDACTED]

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From: [REDACTED]
Sent: 31 March 2016 12:42
To: Licensing
Subject: Funky End Licensing

Good Afternoon,

I have recently been made aware of the licensing reapplication that the Funky End pub in Aldershot has been submitted for, after the recent incident outside of the facility. As part of the process it has been advised that regular customers should submit letters of support in order to increase the chance of a successful application.

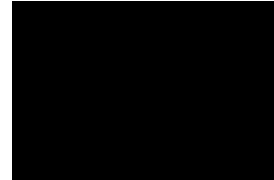
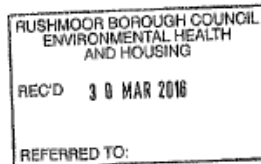
As a regular customer (Every Wednesday for the quiz and several Friday and Saturday evenings) I have never once had an issue with the environment or staff at the Funky End. I know several of the other regular customers and have never seen them as anything more than respectful of the staff, owners and pub itself. It is a fantastic place, with a real local and community feel about it, and those that go there regularly would surely agree. Not only this, but after recent complaints that the inside of the pub was dark and dingy, the staff and owners took it upon themselves to refurbish the area, showing that it really is a place that cares for it's customers concerns.

I hope this goes someway to assisting the Funky End in this instance as it would be a sad scenario for it to lose anything that makes it the place it is.

Yours

[REDACTED]

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Licensing Manager,
Rushmoor Borough Council,
Council Offices,
Farnborough Road,
Farnborough.
GU14 7JU

Dear Sir/Madam,

I am writing in support of The Funky End on Station Road in Aldershot retaining its current licensing agreement as I have recently seen a notice stating that the license is under review due to "night time trade and repeated serious disorder".

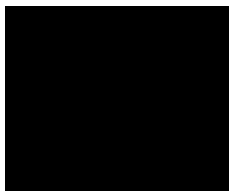
I have been a regular at The Funky End for over ten years. While I regularly attend the weekly pub quiz, their occasional stand-up comedy nights and enjoy an early evening pint after work and I will also often be in on a Friday or Saturday night. At the weekend The Funky End becomes a lively venue for music, dancing and a great place to unwind after a long week.

The diverse character of the pub is what makes it a fun and interesting place to be and it is obviously important for the owners to attract a wide range of clientele both during the week and at the weekend in order to run a successful business.

I have always found The Funky End to be a safe and well run establishment and cannot personally recall witnessing anything that I would consider to be "serious disorder" relating to the pub. I find the door-staff employed at the weekend to be both polite and competent and it is the only late night venue in the Rushmoor area that I would be comfortable going to on my own or would want to take friends.

Please take my comments into consideration when reviewing The Funky End's licence.

Yours faithfully,



**RELEVANT CONSIDERATIONS
THE FUNKY END, STATION ROAD, ALDERSHOT**

**1.0 Revised guidance issued under S182 of the Licensing Act 2003
(March 2015)**

1.1. The sections of the Secretary of State's guidance identified in **Table 1** below may be relevant to the consideration of this application

**TABLE 1 - SECTIONS OF THE SECRETARY OF STATE'S GUIDANCE
WHICH MAY BE RELEVANT TO THIS APPLICATION**

Section	Other Ref.	Paragraph(s)		Subject Matter	Page(s)	
		From	To		From	To
2	-	2.1	2.31	The licensing objectives	6	12
2	-	2.1	2.5	Crime and disorder	6	6
2	-	2.6	2.13	Public Safety	7	8
2	-	2.14	2.20	Public nuisance	8	9
2	-	2.21	2.31	Protection of children from harm	10	12
9	-	9.1	9.44	Determining applications	55	62
9	-	9.12	-	Representations from the police	57	-
9	-	9.13	9.19	Licensing authorities acting as responsible authorities	57	58
9	-	9.30	9.40	Hearings	60	61
10	-	10.1	10.69	Conditions attached to premises licences	63	74
10	-	10.8	10.9	Imposed conditions	64	-
10	-	10.10	-	Proportionality	64	-
10	-	10.13	10.15	Hours of trading	65	-
10	-	10.63	10.68	Door supervision	73	74
11	-	11.1	11.30	Reviews	81	82
11	-	11.24	11.28	Reviews arising in connection with crime	78	79
12	-	12.1	12.12	Appeals	81	82
12	-	12.10	-	Giving reasons for decisions	82	-

2.0 The Council's Licensing Policy

2.1. The sections of the Council's Licensing policy identified in **Table 2** below may be relevant to the consideration of this application.

**TABLE 2 - SECTIONS OF THE COUNCIL'S LICENSING POLICY
WHICH MAY BE RELEVANT TO THIS APPLICATION**

Section	Other Ref.	Paragraph(s)		Subject Matter	Page(s)	
		From	To		From	To
3	Part C	3.1	3.47	Licensing principals, objectives & general considerations	16	20
3	Part C	3.12	3.14	General licensing principals	17	17
14	Part N	14.1	14.23	Review of relevant authorisation	52	54
14	Part N	14.22	14.23	Matters of review which may give rise to revocation	54	54
18	Part R	18.1	18.61	Representations, Responsible Authorities & Interested Parties	67	73
19	Part S	19.1	19.29	Conditions and restrictions	74	77
19	Part S	19.1	19.15	General principles of transposition and imposition of conditions	74	75

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