

Minutes of the **Licensing Sub-Committee**  
of the **Test Valley Borough Council**  
held in The Annexe, Crosfield Hall, Broadwater Road, Romsey  
on Wednesday 30 August 2017 at 9:30 am

Attendance:

Councillor J Budzynski	(P)	Councillor A Tupper	(P)
Councillor A Johnston	(P)		

Also in attendance:

Councillor M Flood

1 **Appointment of Chairman**

**Resolved:**

**That Councillor Budzynski be appointed Chairman for the duration of the meeting.**

2 **Application for the Review of a Premises Licence – Naz’s Cuisine, The Hundred, Romsey, SO51 8BX**

The Sub-Committee considered the application by Hampshire Constabulary requesting for the Review of the existing Premises Licence in respect of Naz’s Cuisine, 48 The Hundred, Romsey SO51 8BX. The application had requested the Review on the basis that the Police considered the licensing objectives of prevention of crime and disorder, public safety and prevention of public nuisance were currently being harmed by activity on the premises. A copy of the Review application was attached as Annex 1 to the report with supporting information from the Police contained in their Annexes A to F. The application for a Review required the matter to be determined at a hearing. The Licensing Manager had also provided the Sub-Committee with a copy of the Home Office Immigration Enforcement’s letter which referred to illegal working practices at the premises.

Naz’s Cuisine is a small Indian restaurant located in The Hundred in Romsey town centre in an area of mixed business and residential properties. The premises license is for recorded music, late night refreshment and sale of alcohol for consumption on the premises. A copy of the current Premises Licence was attached as Annex 2 to the report.

The Licensing Manager explained that the Designated Premises Supervisor , Mr Nazrul Islam, had been made aware of the date of this Review meeting and the severity of the matter. He also made him aware of the Review process. There had been no communication from Mr Islam, as to whether he would attend the review meeting and he failed to attend the meeting.

PC Sharon Conway was invited to address the Sub-Committee on behalf of Hampshire Constabulary. She introduced PCSO Sam Biggs who covered the area in which the premises are situated and also Mr Matt Wilkinson and Ms Suzanne Kerrigan from Home Office Immigration Enforcement.

PC Conway informed the Sub Committee that concerns had been raised over the poor management of the establishment. She said that the Premises Licence Holder was Mrs Khanom, the mother of Mr Nazrul Islam. She said that over the last two years there had been a number of serious incidents and the Police had spoken to Mr Islam on a number of occasions to offer advice and discuss a number of measures which could be put in place to reduce these incidents. This advice had not been heeded and in fact incidents had increased during 2017.

Mr Matt Wilkinson from Home Office Immigration Enforcement confirmed that there had been two incidents of illegal workers being caught on the premises and that Mr Islam continued to employ staff who had no right to work in the UK. There were no regular checks or documentation held on any of the staff employed at the premises.

The Police were particularly concerned about excessive levels of drunkenness and associated crime and disorder and public nuisance. In addition they were concerned about immigration offences. It was in these two areas that the Police considered the licensing objectives were being harmed such that there were grounds for the Review of the Premises Licence. The application for Review set out details of the specific incidents of concern to the Police and additional information regarding these incidents was contained in their Annexes B to F of the report. Annex A from the Police set out suggested conditions which could be attached to the Premises Licence.

The Sub Committee were then given the opportunity to ask questions of PC Conway, Mr Wilkinson and Ms Biggs.

The Chairman adjourned the meeting to enable the Sub-Committee to consider the matter.

## **DECISION**

**In reaching its decision on this application, the Sub-Committee had had due regard to the National Guidance issued by the Secretary of State under s182 of the Licensing Act 2003, to the Council's own Statement of Licensing Policy, and together also to the written representations duly made prior to today's hearing, and to the oral representations made here today.**

**Resolved:**

1. To reduce the sale of alcohol from 12pm to 11pm and for the sale of alcohol to be ancillary to the purchase of food, seven days a week with immediate effect.
2. To remove the Designated Premises Supervisor with immediate effect.

The following conditions shall be implemented within 28 days.

3. **CCTV**

The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system will be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas.

CCTV warning signs to be fitted in public places.

The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation.

The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.

Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained.

The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i.e. password protected.

There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to police on request when investigating allegations of offences or criminal activity. Any images recovered must be in a viewable format. Footage supplied in a digital format will also have a copy of the CCTV system software enabled to allow playback.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Hampshire Western Police Licensing Unit within 24 hours.

**4. Incident book**

**An incident book will be provided and maintained at the premises. It will remain on the premises at all times and will be available to police for inspection upon request.**

**Any incidents that include physical altercation or disorder, physical ejection, injury, id seizure or drug misuse will be recorded in the incident book. The entry is to include an account of the incident and the identity of all person(s) involved (or descriptions of those involved if identity is not known). Should there be any physical interaction by members of staff and the public the entry will include what physical action occurred between each party. The entry shall be timed, dated and signed by the author.**

**If the member of staff creating the entry has difficulties reading or writing then the entry may be written by another staff member. This should however be read back to the person creating the entry and counter signed by the person who wrote the entry.**

**At the close of business on each day the incident book will be checked by the manager on duty where any entries will be reviewed and signed. If incidents have occurred the duty manager will de-brief door staff at the close of business. Should there be no incidents then this will also be recorded at the close of business in the incident book.**

**This record will be retained for 12 months.**

**5. Refusals book**

**A written log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the store manager/manageress.**

**The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.**

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

**6. Challenge 25**

**There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.**

**Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing a holographic mark or the “PASS” logo, and the person’s date of birth.**

**If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.**

**‘Challenge 25’ posters shall be displayed in prominent positions at the premises.**

**7. Training**

**Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training.**

**All staff will receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.**

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

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

**8. Romsey Town events**

**When the event entitled ‘Beggar’s Fair’ operates in Romsey, the following shall apply:**

- 1) Where licensable activities are conducted past 22:00hrs, SIA registered staff will be employed at the premises from 20:00hrs until close of business and all customers have dispersed from the immediate area.**
- 2) Where SIA registered door staff are employed, they shall be employed solely in a safety and security role.**
- 3) Alcohol shall not be sold or supplied on the premises otherwise to persons taking table meals and for consumption by such a person as an ancillary to their meal.**

- 4) A written risk assessment will be conducted confirming what steps will be in place for the event. This risk assessment will be provided to Hampshire Police Licensing Team and Licensing Authority no later than 28 days before the event.**

**A written risk assessment will be conducted for all other events within the immediate vicinity as to the implementation of the above points.**

For the avoidance of doubt, a table meal is defined under S159 Licensing Act 2003 as a meal eaten by a person seated at a table, or at a counter or other structure which serves the purpose of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purpose of a table.

**9. SIA staffing**

**At any time where SIA registered door staff are employed, they shall be employed solely in a safety and security role and employed for the duration of the event.**

**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 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 licence holder shall ensure that this register is kept in a secure environment in order to prevent unauthorised access or alterations to same.**

**10. Prevention of illegal working**

**The premises licence holder will conduct right to work checks on all persons employed, whether paid or unpaid, at the licensed premises.**

**A copy of any document checked as part of a right to work check will be retained at the premises.**

**These documents will be made immediately available for inspection by Hampshire Constabulary, Home Office Immigration Enforcement Officers, Test Valley Licensing Authority or any other responsible authority upon request.**

**Documents that demonstrate an entitlement to work are set out by The Immigration (Restrictions on Employment) Order 2007 and the Immigration (Restrictions on Employment) (Codes of Practice and Amendment) Order 2014.**

**The reasons for the amendments to the licensing conditions are in order to prevent excessive levels of drunkenness, associated crime and disorder, public nuisance and to ensure public safety.**

**These changes have also been made to ensure that the Designated Premises Supervisor fulfils their licensing obligations and conducts due diligence with regards to alcohol sales and immigration legislation.**

(The meeting ended at 11.50am)