
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 12 July 2012

Present: Councillors Cunio, Lloyd and Parnell

Apologies: Councillor Thomas

15. **ELECTION OF CHAIR**

RESOLVED that Councillor Cunio be appointed Chair for the purposes of this meeting.

16. **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

The Panel noted that Councillor Lloyd was in attendance as a nominated substitute for Councillor Thomas in accordance with Council Procedure Rule 4.3.

17. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the meetings held on 14th June and 28th June 2012 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

18. **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the press and public be excluded at a predetermined point whilst the Sub-Committee reached its decisions.

19. **APPLICATION FOR REVIEW OF PREMISES LICENCE - CHAMBERLAYNE ARMS, 119 NORTH EAST ROAD, SOUTHAMPTON, SO19 8AJ**

The Sub-Committee considered the application for review of premises licence in respect of Chamberlayne Arms, 119 North East Road, Southampton, SO19 8AJ. (Copy of report circulated with the agenda and appended to the signed minutes).

Mr Gardner, Regional Manager, Enterprise Inns, Mr Derrick, Environmental Health, PC Harris and PC Prior, Hampshire Constabulary were present and with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

RESOLVED that the following conditions be attached to the licence:-

- (i) conditions contained at pages 6 and 7 of the Southampton City Council bundle produced for the hearing in relation to :-
 - Removal of the DPS
 - New DPS to be trained to Level 2
 - CCTV
 - Incident Book
 - Toilet Checks
- (ii) the condition suggested by the Environmental Health Department to restrict the permitted hours for recorded and live music on Monday to Sunday to end at 23h00.

REASONS

The Sub-Committee considered the application for review of the premises licence at Chamberlayne Arms, by Hampshire Constabulary and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy, Human Rights Legislation, in particular the Human Rights of the premises licence holder and representations both written and given orally today by the Police, Environmental Health and Enterprise Inns.

The Sub-Committee considered very carefully the evidence of the police with regards to the prevention of crime and disorder, public safety and the prevention of public nuisance and was satisfied that the conditions were appropriate and proportionate to ensure that all the licensing objectives were met.

The Sub-Committee accepted the representations by the police about poor management by the current DPS that had resulted in problems of violence and drug use at the premises. They also noted recent complaints from residents about noise and music at or connected to the premises from February 2012.

RECOMMENDATIONS

The Sub Committee recommended that a Challenge 25 policy be put in place by the new DPS and that a noise limiter be used to ensure noise levels were kept to a minimum, given that this is a residential area.

20. **APPLICATION FOR PREMISES LICENCE - PROVENANCE, 127 ABOVE BAR STREET, SOUTHAMPTON SO14 7FN**

The Sub-Committee considered the application for a premises licence in respect of Provenance, 127 Above Bar Street, Southampton, SO14 7FN. (Copy of report circulated with the agenda and appended to the signed minutes).

Mr Turpin, Applicant, Mr Wallsgrove, Solicitor for the Applicant, PC Prior and PC Harris, Hampshire Constabulary were present and with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

Legal advice was accepted by the Sub-Committee in relation to the Cumulative Impact Policy. It was noted that the premises was located within the boundary of a previously identified stress area, and was subject to the provisions of the formally adopted Cumulative Impact Policy "CIP" (adopted 13 May 2009, confirmed upon review 17 November 2010) that applied to that area.

The Committee noted in particular that:-

- one effect of the CIP was that a *rebuttable presumption* applied to applications for premises licences.
- The *rebuttable presumption* was that such applications should ordinarily be refused
- Licensing Policy CIP2 16.9 provides that the onus was upon applicants to demonstrate through their Operating Schedule and where appropriate supporting evidence that the operation of the premises would not add to the cumulative impact already being experienced

RESOLVED that the application for a premises licence be granted, subject to the following:-

(i) **Amended Operating Hours**

Opening Hours

Friday and Saturday 09h00 – 03h30

Sunday to Thursday 09h00 – 02h30

Late Night Refreshment

Friday and Saturday 10h00 – 03h30

Sunday to Thursday 10h00 - 02h30

Supply of Alcohol and Provision of Regulated Entertainment

Friday and Saturday 10h00 – 03h00

Sunday to Thursday 10h00 – 02h00

(ii) **Conditions**

All proposed conditions on page 14 and 15 of the operating schedule to be attached to the licence, with the following amendment to **Condition 3** to read "**No entry or re-entry to the premises after 02h00, Friday and Saturday.**"

REASONS

The Sub-Committee considered carefully the application for a premises licence at Provenance and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, Human Rights Legislation, the adopted statement of Licensing

Policy and in particular the Cumulative Impact Policy as well as representations, both written and given orally today by all parties.

The Licensing Sub-Committee considered the location of the premises and in particular the fact that it was located within an area identified as suffering from issues of crime, disorder and public nuisance - designated as a stress area in accordance with the licensing policy. It has accepted that a rebuttable presumption does apply.

The Sub-Committee were not sufficiently satisfied with the representations by the applicant to grant the application in full because the investment proposals had not yet been put into place, nor was there evidence relating to how the premises would be managed, based on these changes. The Sub-Committee felt that it was too early to grant the extended hours over seven days.

RECOMMENDATION

The Sub-Committee recommended that the ID scanner currently installed on the premises continued to be used.