
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 27 APRIL 2016

Present: Councillors Jordan, Tucker and McEwing

Apologies: Councillors

46. **ELECTION OF CHAIR**

RESOLVED that Councillor Tucker be elected as Chair for the purposes of this meeting.

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

RESOLVED that the minutes of the meeting held on 6 April 2016 be approved and signed as a correct record.

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

RESOLVED that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the parties to the hearing, press and public be excluded at a predetermined point whilst the Sub-Committee reaches its decision.

49. **APPLICATION FOR REVIEW OF PREMISES LICENCE - JUNK CLUB, 55 LONDON ROAD, SOUTHAMPTON SO15 5QZ**

The Sub-Committee considered the application for Review of a Premises Licence in respect of Junk Club, 55 London Road, Southampton SO15 5QZ.

Peter Savill (Barrister), Paul Merry (Consultant to Junk Club), Lorraine Barter, Denis Bundy (Local Residents), PC Boucouvalas (Hampshire Constabulary) and Phil Bates (Licensing Manager - SCC) 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 (Hearings) Regulations 2005.

RESOLVED that the premises licence be amended to include conditions agreed between the police and the premises licence holder in advance of the hearing, to reduce the opening hours and impose an additional condition regarding last entry time.

After private deliberation the Sub-Committee reconvened and the Chair read out the following decision:-

All parties will receive formal written confirmation of the decision and reasons.

The Sub-Committee has considered very carefully the application for review of the premises licence at Junk Club, 55 London Road, Southampton SO15 5QZ by the Licensing Authority and five residential representations. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted

statement of Licensing Policy. Human Rights Legislation has been borne in mind whilst making this decision.

All the evidence presented both written and given orally today, has been carefully considered and taken into account including additional evidence submitted by the police at the hearing and with the consent of all the parties. The Sub-Committee particularly addressed itself to the licensing objectives for the prevention of crime and disorder, public safety and the prevention of public nuisance.

Having considered all of the above, and all the options under s52, sub section 4, the Sub-Committee has decided to attach the conditions agreed between the police and the premises licence holder in advance of the hearing and reduce the opening hours at the premises to those recommended by the police including an additional condition limiting last entry or re-entry at the premises to 0030 hours every day of the week, excepting for those going outside the premises to smoke.

Reasons

The Sub-Committee considered very carefully all the evidence and held very grave concerns in relation to the nature of the most recent incidents at the premises and in particular the violent assault involving those previously on the premises on the 22 January 2016. In addition the Sub-Committee noted the catalogue of incidents relating to general crime and disorder and nuisance at the premises from November 2014 as presented in police evidence. It was noted that the premises is located within an area designated as suffering from disproportionate levels of crime and disorder and identified in the Council's policy as an area suffering from the saturation of premises. Much of the residents' evidence goes to highlighting the nature of issues faced by this identified area and therefore the reasoning behind the adoption of the policy that is in place. However, the Sub-Committee focussed its mind on the evidence clearly linked to the premises rather than the generality of the area.

The Sub-Committee heard from the premises that the incident of most serious concern was a one-off, that management had in excess of ten years of experience and that, historically, the premises could show good levels of compliance in relation to accreditation schemes and examples of best practice. It was noted that the premises could be seen to be working with the police and had agreed to implement extensive measures by way of condition attached to the Premises Licence. On this basis the Sub-Committee was, despite its very grave concerns, persuaded that revocation of the Premises Licence would not be appropriate in this particular instance.

It is noted that the premises now has very many conditions regulating its operation and the point raised by the Licensing Authority that there is a tipping point at which it must be considered whether a premises should in fact be operating at all if such strong and so many conditions are required. The Sub-Committee's initial inclination was to revoke the Premises Licence but considerable weight was placed upon the police evidence that revocation was no longer appropriate if the agreed conditions were imposed and the hours reduced. The Sub-Committee took note of paragraph 2.1 of the statutory guidance.

The premises licence holder argued during the hearing that the earlier closure of the premises, at a time that police evidence shows a spike in incidents, would further add to

the disproportionate levels of crime and disorder on the basis that more premises would be closing at the same time. This was put to the police and their expert opinion was that it would not cause such an effect – the impact being more widespread and upon a number of premises. It was stressed that the premises has a considerable attraction “draw” due to its later terminal hour – the implications of an earlier terminal hour would be that clientele would likely be more evenly spread across venues. The police had considered the financial impact of an (even) earlier closing time but felt the hours proposed were an appropriate compromise.

The earlier closing hour combined with the entry / re-entry condition also goes some way to alleviating the concerns of residents relating to late night noise nuisance in the immediate vicinity of the premises – particularly from, but not limited to, queuing at the premises. It is noted that additional staff would be employed to scan and check but the Sub-Committee remains of the view that queuing would otherwise have had the potential to continue to cause nuisance along with the later operation of the premises.

The Sub-Committee has, following legal advice given during the hearing, very carefully considered the financial impact of its decision. Not least due to the premises indicating that earlier closure times might have a dramatic and drastic impact on the viability of the business. However, having considered the evidence of residents, and in particular those living close by, coupled with police evidence it is determined that the issues of general crime and disorder and the impact of such a late terminal hour in this most sensitive location outweigh the financial implications. The wording of the statutory guidance was taken into account, particularly but not exclusively, paragraph 11.23.

In light of all of the above the Sub-Committee decided that revocation would not be appropriate and that the reduced terminal hour along with entry / re-entry condition was the appropriate and proportionate measure to specifically address the various concerns.

The Sub-Committee must reiterate how close it has come to revoking the premises licence on this occasion and must clearly stress that any further issues will place the premises licence in extreme jeopardy in the event of further review.

There is a right of appeal for all parties to the Magistrates’ Court. Formal notification of the decision will set out that right in full.

The Sub-Committee confirmed by way of clarification the hours as amended are as follows:

- Premises shall close at 0200 hours
- Licensable activities shall cease at 0130 hours
- Last entry/re-entry at 0030 hours