
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 30 MARCH 2017

Present: Councillors J Baillie, Jordan and Painton

36. **ELECTION OF CHAIR**

RESOLVED that Councillor Painton be elected as chair for the purposes of this meeting.

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

RESOLVED that the minutes of the meetings held on 26 January 2017 be approved and signed as a correct record.

38. **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.

39. **APPLICATION FOR A VARIATION OF THE PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR - SMOKE AND MIRRORS, 3-4 VERNON WALK, SOUTHAMPTON SO15 2EJ**

The Sub-Committee were advised that the applicant would not be attending the meeting. Both Hampshire Constabulary and the Councils Licensing Officers had made several attempts contact the applicant, by phone, email and visits and that the applicant had not made a response indicating their attendance at the meeting.

The Sub-Committee waited until 18:10 to determine if the applicant would be present at the meeting.

The Sub-Committee considered the application for a variation of the premises licence to specify an individual as Designated Premises Supervisor in respect of Smoke and Mirrors, 3-4 Vernon Walk, Southampton SO15 2EJ.

PC2703 Brian Swallow (Police) was 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 application for a variation of the premises licence to specify an individual as Designated Premises Supervisor be refused.

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 to vary a premises licence to specify an individual as designated premises licence holder at Smoke and Mirrors, 3-4 Vernon Walk, Southampton. 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. The Sub-Committee particularly addressed itself to the crime prevention licensing objective.

In the absence of the applicant the Sub-Committee was required to determine whether to proceed with the hearing (in accordance with Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005).

After having heard that repeated attempts had been made to contact the applicant in relation to the application including telephone calls and the personal service of documents and after having waited 10 minutes for the applicant to attend it was decided that the hearing should proceed in the applicant's absence.

After having heard evidence from the police it was determined that the application be refused.

Reasons

The subcommittee heard evidence from the police confirming concerns about the nature of the area in which the premises is located. The area is formally designated as a Cumulative Impact Policy area suffering from stress issues.

The premises have been trading past their permitted hours in breach of the premises licence and in breach of planning legislation. Intelligence suggested that the previous DPS was not in day to day control of the premises. The current DPS shows no record of having worked within Hampshire or the Isle of Wight in their capacity as a personal licence holder or DPS. The premises was described as a late night vertical drinking establishment and located within the CIP as such as premises that would require strong leadership and management, particularly given recent breaches of the license. Accordingly the subcommittee find that there would be a considerable risk to the crime prevention objective if the application were granted.

The subcommittee considers refusal in this instance to be both appropriate and proportionate.

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.