
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 29 MARCH 2016

Present: Councillors Galton, Painton and Parnell

31. **ELECTION OF CHAIR**

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

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

RESOLVED that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 the press and public be excluded from the meeting in respect of any consideration of the following report.

It was noted that the report contains information ordinarily deemed to be exempt from general publication based on Categories 1 and 2 of paragraph 10.4 of the Council's Access to Information Procedure Rules due to the identification of individuals and sensitive details of any ongoing police investigation.

33. **CONSIDERATION OF REPRESENTATIONS TO INTERIM STEPS PENDING SUMMARY REVIEW OF PREMISES LICENCE - SHIELD AND DAGGER, STRATTON ROAD, SHIRLEY, SOUTHAMPTON SO15 5QZ**

The Sub-Committee considered representations to interim steps pending summary review of a premises licence, namely the Shield and Dagger, Stratton Road, Shirley, Southampton SO15 5QZ.

Jon Wallsgrove (Blake Morgan Solicitors), PC Boucouvalas and PC Cherry (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 (Hearings) Regulations 2005.

RESOLVED that steps be implemented pending the final summary review hearing including the amendment of conditions and requirements already imposed.

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

The Sub-Committee determined that the hearing should proceed with the press and public excluded.

The Sub-Committee has considered very carefully the certificate of Superintendent Heydari, the application for summary review and the interim steps imposed at the previous Hearing. In addition, the representations by the Premises Licence Holder leading to this hearing were also fully taken into consideration.

It has given due regard to the provisions of the Licensing Act 2003, including the statutory licensing objectives, the statutory guidance and the City Council's adopted statement of licensing policy. Human rights legislation has been borne in mind.

The parties presented an agreement reached between them with regard to the amendment of a requirement imposed on the previous occasion, namely the removal of the designated premises supervisor. The parties confirmed to the Sub-Committee that the requirement, it was agreed, ought to be replaced by a condition enabling the Designated Premises Supervisor (DPS) to remain in place, subject to requiring his presence at the premises on a Thursday, Friday and Saturday from 20:00 hours until the premises are closed.

On the basis of this submission the Sub-Committee determined not to hear further evidence from the parties (as suggested) and proceeded to ask questions.

Having considered all of the above the Sub-Committee has determined to replace the requirement imposed on the 22 March 2016 removing the DPS with the following condition:

1 The Designated Premises Supervisor (DPS) shall be present at the premises and on duty on Thursday, Friday and Saturday evenings from 20:00 hours until the premises has closed and all customers and staff have left the premises and dispersed from the immediate vicinity. The DPS shall not consume alcohol nor be under the influence of alcohol whilst on duty at the premises in accordance with this condition.

Reasons:

The Sub-Committee heard from the parties that agreement had been reached and noted that in accordance with the statutory guidance, the police are to be considered experts and lead responsible authority in the area of the prevention of crime and disorder. The Sub-Committee was reassured that conditions previously imposed shall remain and that the Premises Licence remains suspended until the Licensing Authority and Hampshire Constabulary have confirmed in writing that they are satisfied that the conditions are fully implemented or until the Hearing of the Summary Review.

In addition to the wording agreed between the parties, the Sub-Committee has decided that it is both appropriate and necessary that the condition attached makes it very clear that the DPS has to be fully alert and able to take proper and prompt action in the event of further issues arising. If either party has any representation about the wording of this condition, that should be raised now and the Sub-Committee shall reconsider the wording if necessary.

The Sub-Committee has considered all the options set out in section 53B of the Licensing Act 2003:

- modification of the current conditions of the premises licence
- exclusion of the sale of alcohol from the current permissions of the premises licence
- removal of the designated premises supervisor from the licence
- suspension of the licence.

However, in light of the agreement reached between the parties, it felt that the amendment set out above was both proportionate and appropriate in order to promote the licensing objectives.

There is no right of appeal for any party at this stage to the Magistrates' Court. All parties will receive written notification of the decision with reasons.