
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 26 MAY 2016

Present: Councillors Mrs Blatchford, Painton and Parnell

1. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meetings held on 4 May and 12 May 2016 be approved and signed as a correct record.

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

RESOLVED

- (i) that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005, the press and public be excluded from the meeting; and
- (ii) 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.

4. **APPLICATION FOR SUMMARY REVIEW OF A PREMISES LICENCE - SHIELD AND DAGGER, STRATTON ROAD, SHIRLEY, SOUTHAMPTON SO15 5QZ**

The Sub-Committee considered the application for summary review of a premises licence in respect of Shield and Dagger, Stratton Road, Shirley, Southampton SO15 5QZ.

PC Alex Boucouvalas, PC Simon Wood (Hampshire Constabulary), Jon Wallsgrove (Solicitor for PLH) and Peter Cookson (Premises Licence Holder) 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 revoked.

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 determined that the hearing should proceed with the press and public excluded. This decision was made in accordance with the Licensing Act 2003 (Hearings) Regulations 2005. It was heard that the CCTV footage showed and thereby identified individuals (unconnected third parties) and that accordingly it would not be in the public interest to disclose it more widely. In addition, it was noted that police investigations are also ongoing in relation to the incidents shown.

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 all the parties present at the hearing as well as written representations were also fully taken into consideration. The parties produced additional evidence including CCTV (from the Premises Licence Holder) and a letter produced by Hampshire Constabulary. This was produced with the consent of all parties.

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 Sub-Committee determined to revoke the premises licence.

Reasons:

The Sub-Committee heard considerable evidence from Hampshire Constabulary that raised particular and very grave concerns.

The Sub-Committee considered very carefully all of the options available to it in accordance with Section 53C of the Act. It was noted that the Premises Licence Holder had put forward a proposal to address the issues at the premises including reduction in the hours of opening to 7.30pm, the cessation of the sale of alcohol at 7.00pm and the removal of the DPS.

The Premises Licence Holder made (amongst others) the following points:

- that the processes previously imposed were now all in place and were at the time of the incident;
- that the removal of the DPS would provide a further period of suspension for appointment of a new DPS with 30 years' experience;
- that this period of suspension would allow a clean break from previous incidents;
- that behaviour of customers leading up to the latest incident does not display any cause for concern;
- this is a community premises with support of the local community;
- the financial impact of revocation;
- that the Premises Licence Holder had an extensive period of trading without serious concern; and
- that the proposed reduction in hours would reduce the risk due to a different clientele using the premises

The Sub-Committee paid very careful attention to all of these points and the evidence of the Premises Licence Holder generally. However, it was not satisfied that any option other than revocation would reduce the risk posed to the licensing objectives sufficiently.

The Sub-Committee heard evidence from Hampshire Constabulary that in their considered opinion the issues at the premises were due to poor management and a lack of leadership which would not be addressed by changes of staff – that these issues were “deeper rooted”. In their opinion, reducing the hours would not sufficiently reduce

the risks posed to the licensing objectives of the prevention of crime and disorder and the promotion of public safety. Evidence of a member of door staff appointed at the premises indicated that staff at the premises appeared to condone the taking of drugs on the premises despite signage to the contrary. Further evidence was given of drug taking in the toilets and the police also confirmed that a member of staff was arrested for suspected possession of a class A drug.

The CCTV evidence showed shocking levels of violence at the premises and a total inability of staff to control or positively manage the incident as it unfolded. The Sub-Committee, despite reassurances today, is not convinced that the premises shall be properly managed in the future. Further incidents of this nature could well occur again if the licence is not revoked. Nothing short of revocation would be sufficient to protect public safety and prevent serious incidents of crime and disorder. It is considered only a matter of chance that much more serious injury (including fatality) was not caused during any of the incidents at the premises.

The Sub-Committee did very carefully consider the financial implications which were spelt out during the course of the hearing and whilst it is noted that the impact is severe the Sub-Committee must ultimately place the promotion of public safety above financial interests.

The Sub-Committee was invited to look to the cause of the issues at the premises and take the action it deemed reasonable and appropriate in the circumstances. The Sub-Committee is clear that the main issue behind the problems at the premises is the Premises Licence Holder. A history of non-compliance combined with a further serious incident occurring so soon after a summary review hearing due to serious crime and serious disorder leads the Sub-Committee to the conclusion that the Premises Licence Holder is unable to implement the level of change required at the premises. The previous serious incident led to a summary review hearing where steps were taken and conditions imposed during that process the licence was suspended to enable compliance. Despite all of this a second, even more serious, incident has now occurred.

Police evidence shows that the premises is located within a difficult area and attracting a difficult clientele. Accordingly, it is clear to the Sub-Committee that the premises requires robust leadership. The fact that the level of violence is seen to escalate following a summary review hearing for precisely the same issue totally undermines any credibility that the Premises Licence Holder may have had.

The Sub-Committee noted the letter shown by the Police from the landlord of the premises and the fact that there is currently dispute between the landlord and the leaseholder, however the Sub-Committee accepted that this remains a civil dispute between the landlord and leaseholder and did not take it further into account.

The Sub-Committee was invited to make a finding of fact in relation to alleged gambling at the premises. It was clear that provision was made for the playing of poker at the premises and that the DPS was not on duty whilst that provision was made. However, no evidence was shown that any poker was played at the relevant times. Illegal gaming can constitute a criminal offence. There is no evidence that an offence may have been committed, however the view of the Sub-Committee is that it ought to be better

managed – expecting bar staff to oversee this, whilst serving, is not considered best practice.

The Sub-Committee reviewed the steps imposed at the interim steps hearing and has determined that the suspension of the premises licence should continue pending the outcome of any appeal, if lodged. Legal advice was provided during deliberation of the decision that there is conflicting case law on the point but that impending amendment of legislation supports this approach.

There is a right of appeal for any party to the Magistrates' Court. All parties will receive written notification of the decision with reasons which will set out that right in full.