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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 19 FEBRUARY 2020

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Present: Councillors McEwing, Noon and Prior

44. **ELECTION OF CHAIR**

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

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

**RESOLVED** that the minutes of the meeting held on 10 February 2020 be approved and signed as a correct record.

46. **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

**RESOLVED** that the Sub-Committee move into private session in order to receive legal advice when determining issues. The parties to the hearing, press and the public, unless otherwise excluded by Category 4 of paragraph 10.4 of the Council's Access to Information Procedure Rules, would be invited to return immediately following that private session at which time the matter would be determined and the decision of the Sub-Committee announced.

47. **OBJECTION BY HAMPSHIRE CONSTABULARY TO TEMPORARY EVENT NOTICE ON 23 FEBRUARY 2020 - O'NEILLS, 130-132 ABOVE BAR STREET, SOUTHAMPTON SO14 7DU**

The Sub-Committee considered the report of the Service Director of Transactions and Universal Services for an application for a Temporary Event Notice in respect of O'Neills, 130-132 Above Bar Street, Southampton SO14 7DU.

Kevin Ashbolt, Applicant, and PC Swallow, 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 it was not necessary to issue a counter notice under section 105(2)(b) of the Licensing Act 2003 in order to promote the Act's licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance.

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 considered the objection from Hampshire Constabulary to the Temporary Event Notice for 23 February 2020 at O'Neills, 130-132 Above Bar, Southampton SO14 7DU. The Sub-Committee had due regard to The Licensing Act 2003, the Licensing Objectives, the Councils licensing policy, statutory guidance and

regulations. The Sub-Committee also noted that the premises was in a Cumulative Impact Area

Full consideration was given to the notice, the written representation from Hampshire Constabulary and oral evidence heard on the day. The Sub-Committee took into account Hampshire Constabulary's concerns regarding the impact on the licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance.

The Sub-Committee heard from PC Swallow who gave evidence that the Hampshire Constabulary licensing team provide regular email updates to the trade which sets out what would be expected in a TEN application. This would include an agreement to continue the license conditions into any extended period and any other measures to meet the licensing objectives. Seven other premises had applied for a TEN for this event and all had provided this information so that Hampshire Constabulary did not object.

The Licence holder, Kevin Ashbolt addressed the Sub-Committee and indicated that he did intend to abide by the usual requirements of the Hampshire Constabulary and specifically stated that he would have an additional door supervisor from midnight making a total of 5; he would close the premises between 1-30 a.m. and 2-00 am and re-entry would be by ticket only.

PC Swallow confirmed to the Sub-Committee that if Mr Ashbolt would give a written undertaking confirming this Hampshire Constabulary would be satisfied.

During discussion it came to light that the application did not include the provision of late night refreshment and the Sub-Committee received legal advice that it was not now possible to amend the application.

## DECISION

The Sub-Committee resolved that it was not necessary to issue a counter notice under section 105(2)(b) of the Licensing Act 2003 in order to promote the Act's licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance.

## REASON FOR DECISION

The Sub-Committee relied on the undertaking of Mr Ashbolt to confirm in writing to PC Swallow by Noon on Friday 21st February that he would abide by and implement the conditions required by Hampshire Constabulary. This would include the provision of an additional door supervisor from midnight, close the premises between 1-30 a.m. and 2-00 am and that re-entry would be by ticket only.

Therefore, the Sub-Committee declined to uphold the Hampshire Constabulary objection and will allow the temporary event at O'Neills between 03:00 hours and 06:00 hours on 23 February 2020 to take place.