
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 10 May 2012

Present: Councillors Mrs Blatchford, Cunio and Parnell

112. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meetings held on 22 March and 5th April 2012 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

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

RESOLVED that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 the press and public be excluded at a predetermined point in the hearing whilst the Sub-Committee reached its decisions and specifically in respect of any consideration of Item 116. The information contained therein is potentially exempt as it relates to individual personal details and information held under the Data Protection Act 1998. Having applied the public interest test it was considered inappropriate to disclose this information as the individual's legal expectation of privacy outweighed the public interest in the hearing taking place in public.

115. **REVIEW OF PREMISES LICENCE - JOINER'S ARMS, 141 ST MARY STREET, SOUTHAMPTON, SO14 1NS**

RESOLVED that the matter be adjourned. It was noted that agreement had been reached by all parties to adjourn the application for review of the premises licence to 28th June 2012.

116. **VARIATION APPLICATION FOR PREMISES LICENCE - DPS VARIATION**

The Sub-Committee considered the objection by Hampshire Constabulary to a DPS variation application.

The applicant, Mr Winterbottom, representing the DPS, PC Wood and PC Harris, 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 2003 (Hearings) Regulations 2005.

RESOLVED that the variation application for a DPS at the premises be granted and that such variation have immediate effect.

REASONS

The Sub-Committee considered very carefully Hampshire Constabulary's objection to a DPS variation application and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy, Human Rights legislation and all evidence presented both written and given orally today, including the additional evidence supplied by both parties at the hearing.

The Sub-Committee listened carefully to the evidence regarding the one incident leading to a conditional caution in December 2008. It noted the considerable experience of the proposed DPS gained, both prior to and subsequent to that incident. Whilst the particular circumstances of the incident were of concern, the fact that this was an isolated incident and the actions of the proposed DPS in writing a letter of apology and paying for damage caused, showed his remorse.

It was noted that Section 37 (5) of the Licensing Act 2003 made reference to "Exceptional Circumstances", leading to the crime prevention objective being undermined. Whilst the Sub-Committee noted the concerns raised, it did not feel that such were sufficiently exceptional to warrant a refusal.