
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 19 SEPTEMBER 2013

Present: Councillors Cunio, Parnell and Spicer

17. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meeting held on 22 August 2013 be approved and signed as a correct record.

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

RESOLVED that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the press and public be excluded at a predetermined point whilst the Sub-Committee reached its decision.

20. **APPLICATION TO VARY A PREMISES LICENCE - CHIMICHANGA, 48-49 OXFORD STREET, SOUTHAMPTON SO14 3DP**

The Sub-Committee noted that the applicant had withdrawn the application to vary the premises licence – DPS Variation.

21. **APPLICATION FOR A PREMISES LICENCE - DALLAS CHICKEN AND RIBS, 22 BEDFORD PLACE, SOUTHAMPTON SO15 2DB**

The Sub-Committee considered the application for a premises licence in respect of Dallas Chicken and Ribs, 22 Bedford Place, Southampton SO15 2DB. (Copy of report circulated with the agenda and appended to the signed minutes)

Mr Waheed (Applicant), PC Harris and PS Wood, 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 application for a premises licence be refused.

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

All parties will receive written confirmation of the decision and reasons.

The Sub-Committee considered carefully the application for a premises licence at Dallas Chicken and Ribs, 22 Bedford Place and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy, Human Rights legislation and in particular the Cumulative Impact Policy as well as representations, both written and given orally today by all parties.

The Licensing and Gambling Sub-Committee considered the location of the premises and in particular the fact that it was located within an area identified as suffering from issues of crime, disorder and public nuisance - designated as a stress area in accordance with the licensing policy.

The Committee noted in particular that:-

- one effect of the CIP is that a *rebuttable presumption* applies to applications for premises licences.
- The *rebuttable presumption* is that such applications shall ordinarily be refused
- Licensing Policy CIP2 16.9 provides that the onus is upon applicants to demonstrate through their Operating Schedule and where appropriate supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced

The Sub-Committee noted that there had been a dialogue between the applicant and the police regarding conditions, should the application be granted. It had been agreed that there be conditions relating to CCTV and the Incident Book, however agreement had not been made on the SIA door staff and the time of the last entry onto the premises.

The Sub-Committee considered very carefully the evidence submitted by all parties both written and given orally today.

The Sub-Committee have determined to refuse the application.

REASONS

The Sub-Committee considered very carefully all of the evidence and noted the strength of the application including the experience and quality of management at the premises and other premises. However, during the hearing the Sub-Committee were referred to paragraph 16.14 of the adopted Statement of Policy which states that the quality of management and character or experience of the applicant are matters that the Sub-Committee shall not ordinarily consider as an exception or reason for departure from the policy. Further, the Sub-Committee were not satisfied, despite the strength of the application, that on the balance of probabilities the proposed licensable activities would not add to the issues within the stress area.

There is a right of appeal to the Magistrates' Court. The formal notice of the decision will set out that right.

22. APPLICATION TO VARY A PREMISES LICENCE - MYTH 127 ABOVE BAR STREET, SOUTHAMPTON SO14 7FN

The Sub-Committee considered the application to vary a premises licence in respect of Myth, 127 Above Bar Street, Southampton SO14 7FN. (Copy of report circulated with the agenda and appended to the signed minutes)

Mr Thomas, Applicant, Ms Sharkey, Solicitor, PC Harris and PS Wood, 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 application to vary a premises licence be approved in part and subject to a condition requiring an ID scanner.

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

All parties will receive written confirmation of the decision and reasons.

The Sub-Committee considered carefully the application to vary a premises licence at Myth, 127 Above Bar Street and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy, Human Rights legislation and in particular the Cumulative Impact Policy as well as representations, both written and given orally today by all parties.

The Licensing and Gambling Sub-Committee considered the location of the premises and in particular the fact that it was located within an area identified as suffering from issues of crime, disorder and public nuisance - designated as a stress area in accordance with the licensing policy. It has accepted that a rebuttable presumption does apply.

The Sub-Committee considered very carefully the evidence submitted by all parties both written and given orally today.

In light of all of the above the Sub-Committee has decided to grant the application in part. The Sub-Committee has determined that all licensable activities applied for shall be permitted until 03.30 hours seven days a week and that the opening hours shall have a terminal hour of 04.00 hours seven days a week. The commencement hour for licensable activities and the hours the premises open shall be as applied for. In addition, the premises shall implement an ID scanner at the premises and a condition in the form set out in full within the police representation shall be attached to the licence, subject to the requirement that the scanner shall be in operation within a period of 1 calendar month from the commencement of trading, under the provisions of the varied licence (even if in part).

REASONS

The Sub-Committee noted that:-

- one effect of the CIP is that a *rebuttable presumption* applies to applications for premises licences.
- The *rebuttable presumption* is that such applications shall ordinarily be refused
- Licensing Policy CIP2 16.9 provides that the onus is upon applicants to demonstrate through their Operating Schedule and where appropriate supporting

evidence that the operation of the premises will not add to the cumulative impact already being experienced

The Sub-Committee noted and were impressed by the positive steps already undertaken by the applicant in addressing previous issues at the premises and accepts that those issues, in part, may have contributed significantly to the issues experienced within the Cumulative Impact area. The Sub-Committee also noted that the applicant indicated a considerable amount of additional seating would be provided at the premises and that additional hours may help prevent “double migration” within the area identified. As a result, the Sub-Committee were satisfied that a departure could be made from the usual terms of the policy whereby any increase in hours would ordinarily be refused. This was due to the fact that those measures in addition to those steps already taken have the potential to reduce issues in the area. However, the Sub-Committee does remain concerned that this is an area identified as suffering considerable stress and therefore did not feel it appropriate to grant the full extent of the hours applied for. The Sub-Committee considered very carefully whether it ought to impose any conditions, including a condition limiting the time period for which the grant might have effect. It did not consider it appropriate to impose such a condition on this occasion.

There is a right of appeal to the Magistrates’ Court. The formal notice of the decision will set out that right.