
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 7 AUGUST 2014

Present: Councillors Galton, Lewzey and Tucker

10. **ELECTION OF CHAIR**

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

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

RESOLVED 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.

12. **APPLICATION FOR REVIEW OF A PREMISES LICENCE – DORCHESTER ARMS, 38 – 40 ONSLOW ROAD, SOUTHAMPTON SO14 0JG**

The Sub-Committee considered the application for a review of a premises licence in respect of Dorchester Arms, 38-40 Onslow Road, Southampton SO14 0JG.

Mr R Bird (Designated Premises Supervisor and Premises Licence Holder), PC Norris and PC Cherry (Hampshire Constabulary), Ms C Johnson (Solicitor – Enterprise Inns PLC) and Mr A Gardner (Regional Manager – Enterprise Inns PLC) 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 Mr Bird be removed as designated premises supervisor and that the premises licence be revoked.

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

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

The Sub-Committee has considered very carefully the application for review of the premises licence at Dorchester Arms, 38-40 Onslow Road by Hampshire Constabulary. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy. Human Rights Legislation has been borne in mind whilst making this decision.

All the evidence presented both written and given orally today, has been carefully considered and taken into account. The Sub-Committee particularly addressed itself to the licensing objectives for the prevention of crime and disorder and public safety.

It was noted that Enterprise Inns PLC had been the Premises Licence Holder at the time of the original problems. The Sub-Committee heard evidence that following these

problems, agreement was reached between the parties for revised conditions on the licence. In evidence, all parties expressed the view that these conditions would satisfactorily address those previous issues.

Following the agreed directions between the parties coming into force the premises licence was transferred to Mr Bird.

However, the Sub-Committee was concerned to hear that there had been numerous breaches of those agreed conditions, for example a failure to undergo level 2 training, failure in the CCTV and failure to keep the refusals book up to date.

The Sub-Committee has therefore decided to remove Mr Bird as the designated premises supervisor and to revoke the premises licence.

Reasons

The Sub-Committee has no confidence that Mr Bird would abide by the conditions on the licence in the future.

In addition, the Sub-Committee was concerned that having agreed conditions, as the Premises Licence Holder Enterprise Inns PLC failed to ensure compliance with those conditions prior to transferring the licence to Mr Bird.

Whilst the Sub-Committee gave much weight to the suggestion of a suspension made by the representative for Enterprise Inns PLC, it is concerned that even a maximum suspension may not achieve the objective of entirely removing Mr Bird from the business. The alternatives presented in the event that the three months was not sufficient to remove Mr Bird, are beyond the control of the Sub-Committee.

Therefore the Sub-Committee feels it has no option other than to revoke the licence to ensure Mr Bird can not continue at the premises.

There is a right of appeal for all parties to the Magistrates' Court. Formal notification of the decision will set out that right in full.