
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 14 AUGUST 2014

Present: Councillors Pope, Tucker and Vassiliou

13. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meeting held on 31 July 2014 be approved and signed as a correct record.

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

RESOLVED that the press and public be excluded from the meeting in respect of viewing part of the evidence disclosed by the Police in relation to Item 7 in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 and be invited to return immediately following private session.

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.

16. **APPLICATION FOR REVIEW OF A PREMISES LICENCE – GRIFFIN, 35-37 ANGLESEA ROAD, SOUTHAMPTON SO15 5QH**

The Sub-Committee considered an application for review of a premises licence in respect of The Griffin, 35-37 Anglesea Road, Southampton SO15 5QH.

Mr C Cheevers (DPS / PLH, Griffin Inn), Ms C Coleman (Griffin Inn), Mr A Wasowski, Ms J Trotter, Ms D Brooke, Mrs J Wilby (Local Residents), Mr A Gardner (Enterprise Inns) PC Norris and PC Conway (Hampshire Constabulary) were present and with the consent of the Chair, addressed the meeting.

The Sub-Committee viewed one clip of CCTV from the premises.

The Sub-Committee then moved into confidential session to view CCTV footage and footage from body worn cameras at the premises as evidence disclosed by the Police in accordance with the Licensing Act (Hearings) Regulations 2005.

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 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 The Griffin, 35-37 Anglesea 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 the prevention of public nuisance.

Having considered all the above and all the options under s52, sub section 4, the Sub-Committee has decided to revoke the premises licence.

Reasons

The Sub-Committee heard evidence from Hampshire Constabulary relating to incidents at, or within the vicinity of, the premises over an extensive period of time. Evidence supplied by the police showed 62 incidents dating back until 2010 (when the current DPS took on the role, taking over as Premises Licence Holder in 2012). During this time Hampshire Constabulary have provided advice and assistance and repeated opportunity to comply with the terms of the premises licence. Of particular concern, is a persistent lack of cooperation in ensuring CCTV systems are operating properly and that footage is provided when requested.

The Sub-Committee noted a disparity between residents' evidence and that of the premises licence holder, in relation to the number and severity of incidents at the premises causing nuisance and undermining the prevention of crime and disorder objective. Residents gave evidence to the effect that the nature of the incidents at, or near to the premises, combined with its clientele caused a reluctance for many to provide evidence. The Sub-Committee can only consider the evidence that is presented to it and not speculative, however, on balance and in light of the weight of supporting evidence provided by Hampshire Constabulary and Environmental Health, the Sub Committee preferred the evidence of residents. It is also accepted that other residents may feel intimidated and be reluctant to speak out against those causing such nuisance, given the premises itself has been the subject of criminal damage.

The Sub-Committee did listen to the proposed steps which the premises licence holder put forward, including agreed conditions, a potential change of DPS, new CCTV system, refusals book, incident book, gobstopper lollies, plastic glasses, challenge 25, staff training and earlier closing time. However, the extent of the issues over such a protracted period with repeated opportunity for improvement resulting in consistent breach of the terms of the premises licence, including sales of alcohol beyond permitted hours, the provision of regulated entertainment beyond permitted hours and associated disorder at the premises leaves the Sub-Committee with no confidence that the premises licence holder, or any of the staff currently employed at the premises are capable of conducting the business of a licensed premises and adhering to the strict terms of the premises licence.

The police stated in evidence that in their view, as long as Mr Cheevers remained the tenant at the premises the licensing objectives were likely to be undermined. On the balance of the evidence the Sub-Committee agreed with this assertion and as a result finds it has no option other than to revoke the premises licence in this instance. It has given careful consideration to alternative options within section 52, including but not limited to, suspension of the premises licence for up to three months and removal of the DPS.

It was noted that an Environmental Health officer gave evidence as a police witness and that this is unusual – it normally being accepted practice that Environmental Health shall make representations in their own right. However, the Sub-Committee accepted that any party is able to make representation based on any of the four licensing objectives. The statutory guidance indicates that where there are concerns “about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises is situated, to make the application for review”. The Sub-Committee does not feel this prevents police relying on environmental health evidence.

The Sub-Committee overall has no confidence that the current premises licence holder can manage, what is clearly on the evidence, a very difficult premises and whilst it is accepted that on occasions examples of good management can be seen, this does not outweigh the strength of the evidence in relation to incidents of concern.

The Sub-Committee feels that premises with such a significant issue regarding crime and disorder and public nuisance requires consistent and very strong management which has been severely lacking. In this respect those instances where strong management is shown only serves to aggravate and inflame the situation due to an inconsistency in approach.

In deciding which of its powers to invoke the Sub-Committee had to consider and establish the cause or causes of the concerns that the representations identify and in doing so, is clearly satisfied that the only remedial action sufficient to address those concerns is the revocation of the licence, as a result this is considered appropriate and proportionate in this case.

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.