
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE

MINUTES OF THE MEETING HELD ON 3 JUNE 2015

Present: Councillors Painton, Tucker and Vassiliou

1. **ELECTION OF CHAIR**

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

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

RESOLVED: that the Minutes of the meeting held on 9th April 2015 be approved and signed as a correct record.

3. **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.

4. **APPLICATION FOR VARIATION OF A PREMISES LICENCE - SHOOTING STAR, 40-42 BEVOIS VALLEY ROAD, SOUTHAMPTON SO14 0JR**

The Sub-Committee considered an application for a variation of a premises licence in respect of Shooting Star, 40-42 Bevois Valley Road, Southampton SO14 0JR.

Mr Pollard (Applicant) and Jackie Cherry and Alex Boucouvalas (Hants 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 the application for a variation of a premises licence be refused.

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 a variation of a premises licence at Shooting Star, 40-42 Bevois Valley Road, Southampton SO14 0JR (Punch Taverns plc). 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 was borne in mind whilst making the decision.

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 the applicant had offered conditions including last entry at 01:00 hours and CCTV provision as well as submitting detailed Operational Policy and Training Procedures.

The Sub-Committee noted that no representations had been made by residents or Environmental Health, in particular, in relation to the application.

As a result, and in consideration of all the above, the application to vary the licence is refused in so far as it relates to the extension of hours for the sale of alcohol and the hours that the premises are open. The removal and replacement of conditions as set out within the application is granted.

Reasons

The Sub-Committee considered very carefully the application including but not limited to the following points:

- The premises has a, relatively speaking, small capacity
- The premises has an older, more mature, clientele
- The premises does not run drinks promotions or operate irresponsibly
- The premises itself does not generate complaints from residents, Environmental Health or the Police
- Other premises within the CIP have closed
- That no entry or re-entry to the premises shall be permitted after 01:00 hours
- The condition requiring two door staff after 12:00 hours shall be retained.

The Sub-Committee fully accepted that the premises are well-run and that management is of a high standard at the premises. However, Police evidence showed concerns that a later terminal hour might increase the number of patrons at the premises and that longer hours of drinking would lead to the patrons being more susceptible to either committing crime, increasing the incidents of crime and disorder or being the victims of crime. As a result the Police view was strongly voiced that a later terminal hour would lead to an increase in crime and disorder within the stress area.

Whilst deliberating the Sub-Committee were referred to paragraph 16.14 of the Licensing Authority's policy which states:

"Whilst making any decision the Committee shall not ordinarily consider the following as an exception to the policies applying to stress areas or as justification for departure from those policies:

- The quality of management of the premises
- The character or experience of the applicant
- That the capacity, size, hours or any increase therein applied for, is not substantial
- That the applicant has a good understanding of how to reduce the potential for crime on the premises...”

Accordingly, whilst the Sub-Committee accepts that the premises are very well run it has had to pay due regard to the statement of licensing policy and in particular the rebuttable presumption created by the Cumulative Impact Policy. On the balance of probabilities, the Sub-Committee is not satisfied that the application will not add to the Cumulative Impact already being experienced. The potential for increased numbers leaving the premises over a longer period is likely, in the Sub-Committee’s view, to add to the stress issues in the area. In addition, patrons leaving the premises are more likely to be under the influence due to the longer hours that alcohol is served.

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.