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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 9 JANUARY 2018

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Present: Councillors Mrs Blatchford, Furnell and Painton

23. **ELECTION OF CHAIR**

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

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

**RESOLVED** that the minutes of the meeting held on 23 November 2017 be approved and signed as a correct record.

25. **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.

26. **APPLICATION FOR A NEW PREMISES LICENCE - POP WORLD, LOWER BANISTER STREET, SOUTHAMPTON, SO15 2EH**

The Sub-Committee considered the report, and additional information submitted in advance of the hearing detailing an application for a premises licence in respect of Pop World, Lower Banister Street, Southampton SO15 2EH.

Claire Eames (Applicant's Solicitor), Aaron Findlator (Designated Premises Supervisor), Mark Molton (Area Manager, Stonegate Pub Company) and Elaine Jeffery (Environmental Health Officer) 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 Premises Licence be granted, subject to the Conditions set out within the operating schedule (amendments agreed during the course of the hearing) as well as the condition agreed with the Environmental Health officer and subject to retention of the existing last entry time.

After private deliberation the Sub-Committee reconvened and the Chair read out 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 premises licence for Pop World, Lower Banister Street, Southampton SO15 2EH.

It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy.

The Sub-Committee considered the representations, both written and given orally today, by all parties. Human rights legislation has been borne in mind whilst making the decision.

It was noted that representations had been received from four residents living in close proximity to the premises. In addition, a representation had been received from environmental health but it was confirmed during the course of the hearing that a condition had been agreed requiring external doors at the front of the premises to remain closed, save for access and egress. The applicant had agreed conditions with the police as set out within the report and relating to CCTV, the use of SIA door staff, the use of body worn video, ID scanning, training and details of records to be kept on the premises (amongst others).

Having considered all the above evidence and after having heard from those present, the Sub-Committee has determined to grant the Premises Licence as applied for, subject to the Conditions set out within the operating schedule (amendments agreed during the course of the hearing) as well as the condition agreed with environmental health as follows:

“The internal and external lobby doors to the front entrance of the premises will be closed at all times except for access and egress”.

The Sub-Committee has also determined that the last entry time should remain at 0130 hours on any day, save for customers who have stepped out to smoke, in line with the existing premises licence.

### Reasons

The Sub-Committee carefully considered written evidence from residents raising concern including (but not limited to) the following points:

- That additional hours will lead to an increase in customers on the street later in the evening/early morning;
- That vandalism will increase;
- That door staff cannot cope with existing hours and fail to manage dispersal properly; and
- That noise and antisocial behaviour generally will increase.

The premises is located within an area identified as suffering from high levels of antisocial behaviour, crime and disorder and, as a result, the Licensing Authority's Licensing Policy creates a rebuttable presumption that applications of this nature will ordinarily be refused. The impact of the policy means that applicants must demonstrate that their application will not lead to an increase in those issues.

The applicant presented evidence demonstrating a significant number of occasions when the hours now applied for have been implemented by way of Temporary Event Notice (TENs). The applicant stressed that no adverse issues arose as a result of this previous experience of trading to the hours applied for. In support of this assertion the applicant relied upon the evidence of Hampshire Constabulary who have not objected

to the application and are, indeed, supportive as a result of the additional steps the applicant proposes.

In particular the Sub-Committee noted as persuasive the intended use of body worn video by door staff, that dispersal policies will be robust and that sufficient numbers of door staff will be provided and will remain for at least 15 minutes after closure of the premises to assist with dispersal from the area. In addition, conditions agreed with the police will require all customers to scan ID on entry and the applicant's extensive experience in managing premises of this nature elsewhere as well as the premises in question was relied upon. The Sub-Committee was surprised to see such clear support from Hampshire Constabulary for the premises, given the location of the premises, and notes that the conclusion that the additional proposed measures will mitigate the cumulative impact is exceptional.

It was argued by the applicant that the premises will become an "end destination" and an extension in hours will mean that their patrons will not leave their premises, causing disturbance as they go, to later opening venues. The applicant was asked during the course of the hearing why, if they were primarily seeking to retain existing customers, the application included a later last entry time. The Sub-Committee was concerned that allowing a later last entry time would lead to migration from other premises to this premises, later in the evening, and therefore potentially undermine the effect sought to be achieved by increasing opening hours. The Sub-Committee was not convinced by the argument that having operated under the provision of TENs was persuasive enough to allow a permanent shift going forward - given the nature of the area and the CIP designation. Once customers become aware of the new hours, which will be available on a permanent basis going forward, the Sub-Committee feels there is a real risk to the Licensing Objectives in allowing a later last entry time as well as a later opening time.

The Sub-Committee did consider the residents' evidence very carefully as well as the CIP Policy in particular but felt that on the balance of probabilities it was appropriate to grant the licence subject to the conditions agreed with environmental health and the police. Amendments to the conditions set out within the report were agreed with the applicant during the course of the hearing and a copy of the agreed amendment was provided to the applicant at the conclusion of the hearing.

Residents can be reassured that there is a power to instigate a review in the event that the licensable activities at the premises do lead to issues undermining the licensing objectives.

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.