
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 10 FEBRUARY 2020

Present: Councillors Mrs Blatchford, G Galton and Noon

39. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meeting held on 22 January 2020 be approved and signed as a correct record.

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

RESOLVED that having applied the public interest test and in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 it was not appropriate to disclose this information due to the identification of individuals and sensitive details of an ongoing police investigation. Accordingly the press and public were excluded from the hearing.

42. **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

RESOLVED that the Sub-Committee move into private session in order to receive legal advice when determining issues. The parties to the hearing, press and the public, unless otherwise excluded by Category 4 of paragraph 10.4 of the Council's Access to Information Procedure Rules, would be invited to return immediately following that private session at which time the matter would be determined and the decision of the Sub-Committee announced.

43. **APPLICATION FOR SUMMARY REVIEW OF PREMISES LICENCE**

The Sub-Committee considered the report of the Service Director of Transactions and Universal Services for an application for a summary review of premises licence in respect of For Your Eyes Only, 135-136 High Street, Southampton SO14 2BR.

Thomas Evans, applicant's representative, Emily Irvins, Premises Licence Holder, PC Swallow and PC Scott, Hampshire Constabulary, Matthew Phipps, TLT solicitors and Mr Nicie's representative and Mr Nicie, Property Leaseholder and owner of For Your Eyes Only brand, 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 be allowed to reopen with immediate effect subject to full compliance with conditions agreed between all the parties.

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 determined that the hearing should proceed with the press and public excluded. This decision was made in accordance with the Licensing Act 2003 (Hearings) Regulations 2005. The papers contain allegations relating to criminal offences and personal details and it was determined that the public interest in doing so outweighed the public interest in the hearing in accordance with Regulation 14.

The Sub-Committee has considered very carefully the certificate of Superintendent Whiting, the application for summary review and the interim steps imposed at the previous Hearing. In addition, the representations by all the parties present at the hearing as well as written representations were also fully taken into consideration.

The application for summary review brought by the Police was supported by Mr Glenn Nicie. The Sub-Committee heard from PC Scott and PC Swallow for Hampshire Constabulary, Mr Evans and Emily Ivins for the Licence Holder and Mr Phipps for Mr Nicie.

Due regard has been given to the provisions of the Licensing Act 2003, including the statutory licensing objectives, the statutory guidance and the City Council's adopted statement of licensing policy. Human rights legislation has been borne in mind.

The Sub-Committee has also considered the interim steps taken on 14 January 2020 and whether they should continue.

In light of all of the above the Sub-Committee has determined to allow the premises to reopen with immediate effect subject to full compliance with the conditions agreed between all the parties. For clarity, those agreed conditions are set out as exhibits "EJ1", "EJ2" and "EJ3" attached to the statement of Emily Jane Ivins dated 7 February 2020 as far as they relate to this licence.

Reasons:

The Sub-Committee considered very carefully all of the options available to it in accordance with Section 53C of the Act.

The Sub-Committee noted that there had been a great deal of collaboration between all the parties to agree conditions. Hampshire Constabulary confirmed that on the basis that these conditions were fully complied with, their concerns regarding the crime and disorder licensing objective would be satisfactorily addressed. With this in mind there would be no objection to the premises reopening.

The Sub-Committee was reminded that paragraph 9.12 of the statutory guidance states that the police provide the main source of advice on the crime and disorder objective. As such the Sub-Committee agreed to follow the police advice and allow the premises to reopen with the agreed conditions in place.

The Sub-Committee reviewed the steps imposed at the interim steps hearing and has determined that the suspension should be removed.

The Sub-Committee makes it clear that in allowing the premises to reopen in full compliance with the agreed conditions, staff training will need to have been completed before reopening.

The Sub-Committee noted that the Premises Licence Holder through her representative undertook to apply immediately the proposed new conditions on the Sexual Entertainment Venue licence and to apply for a Variation as soon as practicable. This undertaking, together with the police advice, has enabled the Sub-Committee to allow the premises to reopen.

There is a right of appeal for any party to the Magistrates' Court. All parties will receive written notification of the decision with reasons which will set out that right in full.