
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 7 NOVEMBER 2013

Present: Councillors Cunio, Lewzey and Parnell

35. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meeting held on 17 October 2013 be approved and signed as a correct record.

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

RESOLVED that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the press and public be excluded at a predetermined point whilst the Sub-Committee reach its decisions.

38. **APPLICATION TO VARY A PREMISES LICENCE - JUNK CLUB, 55 LONDON ROAD, SOUTHAMPTON SO15 2AD**

The Sub-Committee considered the application to vary a premises licence in respect of Junk Club, 55 London Road, Southampton SO15 2AD. (Copy of report circulated with the agenda and appended to the signed minutes)

Mr Walton (Solicitor), Mr Aston (Applicant / Operations Director), Mr Lawrence (Manager, Junk), Mr Leigh (DPS, Junk), PC Conway and PC Harris (Hampshire 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 to vary a premises licence be refused.

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

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

The Sub-Committee considered very carefully the application to vary a premises licence at Junk Club, 55 London Road. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy, in particular the Cumulative Impact Policy.

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

Legal advice was accepted by the Sub-Committee in relation to the Cumulative Impact Policy. It was noted that the premises is located within the boundary of a previously

identified stress area, and is subject to the provisions of the formally adopted Cumulative Impact Policy "CIP" (adopted 13 May 2009, confirmed upon review 17 November 2010) that applies to that area.

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 has determined to refuse the application.

REASONS

The Sub-Committee were of the opinion that the application was for a substantial variation to the existing premises licence in that it requested an extension of the licensable activities and opening hours.

The Sub-Committee has considered very carefully all of the evidence.

The Sub-Committee focused its consideration upon whether, in light of the policy, the proposed variation would, on the balance of probabilities, *not* add to the cumulative impact already being experienced in the area.

The Sub-Committee considered carefully the following points, raised by the applicant, including, but not limited to:-

- Glassware/ID scanner already in place;
- Zero tolerance policy on drugs (proactive reporting);
- Door staff assist in incidents in the area;
- Club not responsible for racial abuse outside the premises;
- Other premises nearby causing incidents and the premises should not be held responsible;
- 12 Temporary Event Notices submitted (incidents not occurring during proposed variation hours);
- No evidence to support an alleged increase in cumulative impact;
- Extending hours will reduce pinch points;
- The lack of representation from residents or Environmental Health given the residential nature of the area;
- Destination premises / aficionado clientele;
- Lack of police objection to TENs;
- A gap between the premises closing time and available public transport;
- A good working relationship with the police

The Sub-Committee noted legal advice provided during the hearing that the policy states that :-

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

shall not ordinarily be considered as an exception to the policy or justification for departure.

All of the issues raised by the applicant were very carefully considered but not felt to be sufficient to justify a departure from the policy in this case. The majority of points raised by the applicant confirm existing good practice / management and the Sub-Committee saw no reason to depart from the policy and consider such as an exception in this case.

The Sub-Committee very carefully considered the clientele at the premises and whether the sale of Corona and Desperados in glass bottles constituted a significant improvement to those likely to be attracted to the venue. In this regard the Sub-Committee noted the prevalence of drug use at the premises and attempted entry by those wishing to supply drugs. Whilst the premises licence holder should rightly be applauded for intercepting and dealing with such issues, the Sub-Committee finds that such issues are indicative of the clientele at the premises which it is not satisfied, despite careful consideration, will change as a result of Coronas or Desperados being offered.

The Sub-Committee did take into consideration the fact that the premises had utilised temporary event notices, however, accepted police evidence that due to the limited application of such notices the impact can not be compared with that made available by a substantial variation. It was noted that the police had not objected to temporary event notices, however, the Sub-Committee accepts that the impact of a one off event is substantially different to that of a daily extension in hours.

In light of all the evidence, particularly that presented by the applicant (given the onus, in light of the policy, is upon them to prove the point), the Sub-Committee is not satisfied that the proposed variation would not result in additional issues relating to crime and disorder within the designated area. The statistics provided show recorded incidents over a period peaking at particular times and the Sub-Committee heard nothing to satisfy it that extending the period of operation at the premises would not cause the existing to be spread over a greater period and, perhaps more importantly, thereby increase the levels of incidents.

The Sub-Committee accepted that premises may have changed within the stress area over time, but noted that police statistics showed an increase of reported incidents. The policy is directed at the impact caused by the totality of licensable activities within the area rather than the operation of any specific premises. Accordingly, the Sub-Committee did not consider the fact that the position had changed for the worse justified a departure from the policy.

The Sub-Committee considered carefully whether any condition might alleviate the impact but was not satisfied that any condition would do so.

There is a right of appeal to the Magistrates' Court. The formal notice of the decision will set out that right.

39. **APPLICATION TO VARY A PREMISES LICENCE - GENTING CASINO TERMINUS TERRACE, TERMINUS HOUSE, TERMINUS TERRACE, SOUTHAMPTON SO14 3FE**

The Sub-Committee noted that the application for a premises licence in respect of Genting Casino Terminus Terrace, Terminus House, Terminus Terrace, Southampton SO14 3FE no longer required a hearing as agreement had been reached between the parties and the objectors had withdrawn their representations.