
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 14 NOVEMBER 2013

Present: Councillors Cunio, Parnell and Thomas

40. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meeting held on 31 October 2013 be approved and signed as a correct record.

42. **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.

43. **APPLICATION FOR A PREMISES LICENCE - ROXX, TRIAD HOUSE, LOWER BANISTER STREET, SOUTHAMPTON SO15 2EH**

The Sub-Committee considered the application for a premises licence in respect of RoXX, Triad House, Lower Banister Street, Southampton SO15 2EH. (Copy of report circulated with the agenda and appended to the signed minutes)

It was noted at the meeting that page 93 of the report was missing, which was a letter of objection from Mrs H Parker and Mr M Parker. The letter had been received within the deadline for receipt of representations and the report listed Mr and Mrs Parker as having made a representation on page 3. A copy of the letter was given to all parties present and the meeting.

Mr Morris (Solicitor), Mr Homer (Applicant) and Mrs Barter (local resident) 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 premises licence be granted, subject to amendments made by the applicant and conditions agreed with the police set out in the report.

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 for a premises licence at RoXX, Triad House, Lower Banister Street. 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

REASONS

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 licence would, on the balance of probabilities, *not* add to the cumulative impact already being experienced in the area.

The Sub-Committee noted that the application had initially sought to extend the licensable activities at the premises, however, has subsequently been amended to reduce the hours applied for and licensable activities to those consistent with the existing premises licence. As a result, the application, whilst technically creating a new licence at the premises, in practical terms merely produced the effect of the existing premises licence. Accordingly, the Sub-Committee was satisfied that the application, on the balance of probabilities, would not lead to an increase in the issues already experienced within the stress area.

Having applied the stress policy in this way the Sub-Committee continued to consider the application as it would any other. In light of the majority of representations relating to the initially proposed additional hours and the impact relating thereto the Sub-Committee was not satisfied that the balance of evidence warranted a refusal in this instance.

The Sub-Committee was impressed by the applicant including his experience and cooperation shown in part, by the adoption of conditions put forward by the police.

The Sub-Committee accepted the practical benefits arising from the creation of an additional licence and did not accept that the mere creation of a licence itself (without creating additional licensable activities or increasing opening hours) would cause any addition to the stress experienced.

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

44. **APPLICATION TO VARY A PREMISES LICENCE - INFERNO, 16 BEVOIS VALLEY ROAD, BEVOIS VALLEY, SOUTHAMPTON SO14 0JP**

The Sub-Committee noted that the application to vary a premises licence – DPS Variation in respect of Inferno, 16 Bevois Valley Road, Bevois Valley, Southampton SO14 0JP had been withdrawn.