
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 3 JULY 2014

Present: Councillors Galton, Parnell and Tucker

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 29 May 2014 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 REVIEW OF PREMISES LICENCE - MOUNTBATTEN, LORDSHILL DISTRICT CENTRE, SOUTHAMPTON SO16 8HY**

The Sub-Committee considered the application for a review of a premises licence in respect of Mountbatten, Lordshill District Centre, Southampton SO16 8HY.

Ms D Haines (Licensee), Mr P Warne and Ms A Horne (Premises Licence Holder, Punch Tavern). PC Conway, PC Cherry (Hampshire Constabulary) and Mr L Marshall (Trading Standards) 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 licence be modified by attaching additional conditions and that the hours of licensable activities be reduced by 30 minutes on Friday and Saturday nights.

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 review of the premises licence at Mountbatten, Lordshill District Centre by Hampshire Constabulary supported by Trading Standards. 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 has been borne in mind whilst making this decision.

All the evidence presented both written and given orally today, has been carefully considered and taken into account.

After having carefully considered all the options under s. 52, the Sub-Committee has decided to modify the licence by attaching the following conditions as detailed in full within the police representation:

- CCTV
- Refusals Log
- Training Log
- Incident Book
- Challenge 25

The Sub-Committee has also decided to reduce the hours of licensable activities by 30 minutes (i.e. to midnight) on Friday and Saturday nights with the premises closing 30 minutes thereafter, as set out in the Premises Licence Holder's letter dated 1st July 2014.

Reasons

The Sub-Committee noted the extensive level of violence associated with the premises dating back for a considerable period, however, it was accepted in evidence that recently things had improved, relatively speaking.

The Sub-Committee was very concerned to hear that the premises had made a sale to an underage customer, particularly given the nature of incidents and anti social behaviour in the area. However, it was reassuring that recent test purchases had been passed.

For these reasons revocation was ruled out by the Sub-Committee.

It is a concern that the relationship and co-operation between the premises and the police had broken down and that steps including the implementation of CCTV at the premises were not implemented until a review had been instigated, despite repeated warning. It is noted that the business model separates the premises licence holder from the day-to-day management of the premises and this is something that has now, hopefully, been resolved going forward. In the alternative, a shadow licence may be of assistance if the same separation is to be relied upon by the premises licence holder going forward.

The Sub-Committee considered carefully whether, in light of the CCTV now installed and conditions attached to the licence, it was appropriate to further require SIA doorstaff and reduce the hours of operation further than those acceded to by the premises licence holder.

The Sub-Committee heard no evidence to suggest that incidents were in any way linked to the hours of trading and whilst it is generally accepted that longer hours of trading may lead to higher levels of intoxication and therefore increase the risk of incidents, this is not borne out by the timing of incidents to date.

The Sub-Committee was very close to imposing doorstaff as a condition, however, in light of the fact that CCTV has so recently been installed it is felt likely that the system, which must be to the standard set down by the police, will address concerns of

identifying those responsible and thereby have an effect in deterring / preventing incidents in turn. The Sub-Committee does not find, as asserted in evidence, that CCTV does not prevent incidents.

In the event of further incidents of concern at the premises the Sub-Committee has no doubt that the police will not hesitate to bring a further review. In those circumstances the requirement for doorstaff is very likely to be imposed if not further steps including potential revocation.

Police wording in relation to the Challenge 25 policy was preferred - as a stricter policy will benefit the premises and consistency in approach, when dealing with patrons, can be justified by the wording of the condition.

A suspension of the licence was not considered appropriate due to the fact that this would have a considerable impact upon the viability of the business. Whilst in private session the Sub-Committee accepted legal advice that the guidance makes it clear that the financial impact of steps taken on review must be taken into consideration.

In summary, whilst it accepted the premises is in a location that is susceptible to anti social behaviour and violence this is not an excuse for poor management. The Sub-Committee has heard evidence of a far more proactive approach and it is anticipated that this will, genuinely, be carried forward with the fostering of a more positive relationship with Responsible Authorities.

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.