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SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 7 AUGUST 2019

Present: Councillors Mrs Blatchford, McEwing and Prior

9. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meeting held on 22 July 2019 be approved and signed as a correct record.

11. **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.

12. **APPLICATION FOR A NEW PREMISES LICENCE - YATES, 113-117 ABOVE BAR, SOUTHAMPTON SO14 7FH**

The Sub-Committee considered the report of the Service Director of Transactions and Universal Services for an application for a new premises licence in respect of Yates, 113-117 Above Bar, Southampton SO14 7FH

James Beaumont – Area Manager, Stonegate Pub Company; Jake Bradley, Designated Premises Supervisor; Andy Grimsey – Partner, Poppleston Allen Solicitors; Councillor Bogle and Phil Bates, Licensing Manager, Southampton City Council 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 (as amended by agreement at the hearing) set out within the operating schedule.

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 Yates, 113-117 Above Bar, Southampton SO14 7FH

It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy, and in particular the relevant Cumulative Impact Policy

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 Yates, 113-117 Above Bar, Southampton SO14 7FH. 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 one representation had been received objecting to the application from Southampton City Councillor. There were no representations from any of the responsible authorities.

The applicant had agreed conditions with the police as set out within the report, relating to a number of matters including 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.

At the commencement of the hearing the Licensing Manager, and the applicant's solicitor, clarified and agreed the wording of conditions B5, B6, B9, and B11 to reflect that they applied at times when the venue is operating under its premises license as in condition B4, which details when SIA staff are required to be operating at the premises.

Having considered all the above evidence and after having heard from those present, the Sub-Committee determined to grant the Premises Licence as applied for, subject to the conditions (as varied above by agreement) set out within the operating schedule

Reasons

The Sub-Committee carefully considered the representation received, objecting to the application on the ground of the potential increase in public disorder and cumulative impact on limited police resources linked to the night time economy.

The premises was 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 relating to Cumulative Impact, 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 would not lead to an increase in those issues.

The Applicant in evidence asserted that pre consultation on its application had taken place with Hampshire Constabulary, Environmental Health and Licensing Officers prior to submission and their comments had been taken into account in the preparation and submission of the Application. Further, that it had also reviewed the proposed conditions set out in its operating schedule with the Police in detail prior to submission. It asserted that it was confident that the significant changes to the operating schedule will ensure that the premises can better promote the licensing objectives.

The Applicant relied upon the fact that Hampshire Constabulary in particular, together with all the Responsible Authorities have not objected to the application.

In considering whether the grant of the proposed application would result in or further contribute to a cumulative impact, the Sub-Committee considered whether the proposed conditions would be effective in addressing that issue.

The Sub-Committee considered the significant additional set of conditions presented in the Application, including:

SIA registered door staff in defined numbers on specified days, with numbers determined by risk assessment and upon consideration of police advice on all other days,
body worn cameras by at least two of the SIA door staff when present ,
ID Scanning of patrons at particular times/days,
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.

The Sub-Committee considered that it was very significant that Hampshire Constabulary, whose resources linked to the night time economy formed part of the sole objector's concerns, had not made any representation on the Application.

The Sub-Committee considered the interested party's evidence very carefully as well as the Cumulative Impact Policy in particular but felt that on the balance of probabilities it was appropriate to grant the licence subject to the conditions which it was advised by the Applicant had been agreed with the police.

Should the premises fail to operate in the way described and this leads to issues impacting upon the licensing objectives, a review may be initiated by residents as well as responsible authorities. This may result in appropriate steps being taken to address the issues of concern at that stage.

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.

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