
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 1 OCTOBER 2015

Present: Councillors Galton, Parnell and Tucker

9. **ELECTION OF CHAIR**

RESOLVED that Councillor Tucker 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 24th June 2015 be approved and signed as a correct record.

11. **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.

12. **APPLICATION FOR VARIATION OF A PREMISES LICENCE - CRICKETERS ARMS, 34 CARLTON PLACE, SO 15 2DX**

The Sub-Committee considered an application for a variation of a premises licence in respect of the Cricketers Arms, 34 Carlton Place, SO15 2DX.

Spencer Harrison (applicant), Cliff Morris (agent), Jackie Cherry and Alex Boucouvalas (Hants Constabulary), Gavin Derrick (Environmental Health – SCC) and Lorraine Barter and Steve Eddy (residential objectors) 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 variation of a premises licence be refused.

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 a variation of a premises licence at Cricketers Arms, 34 Carlton Place, Southampton SO15 2DX. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy, in particular the Cumulative Impact Policy. Human Rights legislation was borne in mind whilst making the decision.

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 noted that the applicant had agreed conditions with the Police but the following remained in dispute:

Conditions relating to:

- additional training requirements
- Polycarbonate glassware
- The Last Entry time at the premises
- ID Scanning

Despite agreeing certain conditions and proposing further conditions the Police in their evidence made it clear that their view remained that the application should be refused.

The Sub-Committee noted representations made by residents, Environmental Health and the Police in relation to the application and evidence was heard from all of the parties at the hearing.

In consideration of all of the above the Sub-Committee has determined to refuse the application.

Reasons

The Sub-Committee considered very carefully the application including but not limited to the following points:

- The premises has a, relatively speaking, small capacity.
- The clientele at the premises is mature and is a niche market.
- The premises is very different to those around it being a small pub rather than a large nightclub, the clientele at the premises do not feed into local nightclubs.
- That no entry or re-entry to the premises shall be permitted after 12:50 hours.
- That a later terminal hour would mean that patrons leave the premises over a longer period, dispersing gradually.
- That patrons currently leave the premises at a time that has been identified as a peak period for crime and disorder in the area.
- That the premises are well-run and has a low incidence of crime and disorder and noise nuisance complaint at or from the premises itself.
- That at the later proposed terminal hour there is nowhere else for their patrons to go other than return home.

The Sub-Committee fully accepted that the premises are well run and that management is of a high standard at the premises. However, Police evidence showed concerns that a later terminal hour and longer hours of drinking would lead to the patrons being more susceptible to being the victims of crime, the Sub-Committee also had concerns that having consumed more alcohol over a longer period customers of the premises may

also be more likely to commit crime or create disorder and nuisance. The Police view was strongly voiced that a later terminal hour would lead to an increase in crime and disorder within the stress area. The strongest concern was that there may be a shift in the timings during which crime and disorder is experienced. The applicant referred to a graph showing incidents over a year which showed a considerable drop at the later hour. However, the Sub-Committee noted that at other times (i.e. other graphs) that drop was less significant (probably due to seasonal factors e.g. student term times etc).

Whilst deliberating the Sub-Committee was referred to paragraph 16.14 of the Licensing Authority's policy, which states:

"Whilst making any decision the Sub-Committee shall not ordinarily consider the following as an exception to the policies applying to stress areas or as justification for departure from those policies:

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

Accordingly, whilst the Sub-Committee accepts that the premises are well run, notwithstanding the recent failed test purchase, it has had to pay due regard to the statement of licensing policy and in particular the rebuttable presumption created by the Cumulative Impact Policy.

On the balance of probabilities, the Sub-Committee is not satisfied that the application will not add to the cumulative impact already being experienced.

The potential for patrons leaving the premises over a longer period is likely, in the Sub-Committee's view, to add to the stress issues in the area. In addition, patrons leaving the premises are more likely to be under the influence due to the longer hours that alcohol is served making them more vulnerable.

The Sub-Committee also considered the representations from residents and Environmental Health and accepted that an increase in hours of trading was likely to lead to an increase in the potential for noise nuisance and crime and disorder.

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.