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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 28 AUGUST 2019

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Present: Councillors Mrs Blatchford, McEwing and Renyard

Apologies: Councillors

16. **ELECTION OF CHAIR**

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

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

**RESOLVED** that the minutes of the meetings held on 7 August 2019 and 14 August 2019 be approved and signed as a correct record.

18. **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.

19. **APPLICATION FOR A VARIATION OF PREMISES LICENCE - BLACK DIAMOND, BASEMENT, 35 LONDON ROAD, SOUTHAMPTON SO15 2AD**

The Sub-Committee considered the report of the Service Director of Transactions and Universal Services for an application for a variation of a premises licence in respect of Black Diamond, Basement, 35 London Road, Southampton SO15 2AD.

The Licensing Manager, the applicant's solicitor together with a Director of the applicant company and her husband, the proposed manager for the premises, a local objector and 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 be granted as amended and subject to additional conditions.

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 variation of a premises licence at Black Diamond, Basement, 35 London Road, Southampton SO15 2AD. 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.

Human Rights and Equality legislation was borne in mind whilst making the decision.

The Sub-Committee noted that representations had been made by a number of residents and Hampshire Constabulary.

The Sub-Committee also noted that the application was amended

- so that the terminal hour is 0430 hours for all licensable activities. The premises will close at 0500 hours
- Late Night Refreshment to be Indoors only
- Supply of Alcohol to be for consumption both on the premises and off the premises but off sales are restricted to pre-purchased bottles no smaller than 70 cl which have been resealed by the premises

During the hearing the solicitor for the Applicant and the Police representative confirmed agreement of a number of additional conditions which were provided to the Sub-Committee, as attached, these to replace the conditions submitted by the applicant as part of their operating schedule (paragraph M(b) in the original application) apart from the condition that the “Permitted hours for licensable activities beyond 0200 hours (00.30 on Sundays) shall only be permissible when the premises are operating as a Sexual Entertainment Venue” which remains.

The Police representative confirmed to the Sub-Committee that in view of the agreed conditions Hampshire Constabulary would accept that the application will now not add to the Cumulative Impact already experienced within the designated area.

In light of all the above, the Sub-Committee has determined to grant the amended application subject to the additional conditions.

### Reasons

The Sub-Committee heard from the applicant’s representative, a Director of the company and the proposed Premises Manager.

Generally, the objectors are concerned that the variation sought will adversely impact all four licensing objectives, but particularly lead to an increase in public nuisance, crime and disorder.

One objector made representations at the hearing and was especially concerned about the safety of persons coming to the premises, the problems that would be generated by the proposed smoking area in terms of safety and noise and that no bottles should be taken off the premises.

The Sub-Committee considered all the objectors’ representations, written and oral, very carefully and considered the weight that should be given to them. On balance however, the Sub-Committee determined that the evidence presented to them had satisfied them

that the proposed licensable activities will not lead to an increase in or add to the cumulative impact already experienced in the designated area.

The Sub-Committee also took into account the decision provided to it on behalf of the applicant in the case of Brewdog Bars Limited and that of Novus Leisure in coming to this decision.

There is a general right to review a premises licence which can be brought by residents or responsible authorities. In the event that the premises causes issues of concern the licence, in its entirety, can be considered at that stage where the evidence supports it.

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.