

# Licensing (General) Sub-Committee

Wednesday, 26th October,  
2022

at 1.30 pm

**PLEASE NOTE TIME OF MEETING**  
Council Chamber - Civic Centre

This meeting is open to the public

## **Members**

Councillor Bunday (Chair)  
Councillor Cooper  
Councillor G Galton  
Councillor Noon  
Councillor Vaughan

## **Contacts**

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## **PUBLIC INFORMATION**

### **Terms of Reference**

The Sub-Committee deals with licences, permits and forms of consent (other than those for which the Council is responsible under the Licensing Act 2003), including

- Hackney carriage and private hire drivers, vehicles and operators
- Street trading
- Sex establishments

### **Relevant Representations**

Those who have made relevant representations may address the meeting about the matter in which they have an interest with the consent of the Chair.

Southampton: Corporate Plan 2020-2025 sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

**Smoking policy** – The Council operates a no-smoking policy in all civic buildings.

**Mobile Telephones:-** Please switch your mobile telephones to silent whilst in the meeting

**Use of Social Media:-** The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting. By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

**Fire Procedure** – Should the fire alarm sound during the meeting leave the building by the nearest available exit and assemble in the Civic Centre forecourt car park.

**Access** – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

### **Dates of Meetings: Municipal Year 2021/22**

Meetings of the Committee are held as and when required.

## CONDUCT OF MEETING

### TERMS OF REFERENCE

The terms of reference of the Licensing Committee are contained in Part 3 (Schedule 2) of the Council's Constitution.

### BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

### Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

### Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

## DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

### DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

- (iv) Any beneficial interest in land which is within the area of Southampton.

- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

## **Other Interests**

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

## **Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

## AGENDA

### **1 APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

To note any changes in the membership of the Sub-Committee made in accordance with Council Procedure Rule 4.3.

### **2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

### **3 STATEMENT FROM THE CHAIR**

### **4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)** (Pages 1 - 4)

To approve and sign as a correct record the Minutes of the meetings held on 31 August 2022 and 5 October 2022 and to deal with any matters arising, attached.

### **5 EXCLUSION OF THE PRESS AND PUBLIC**

Chair to move that in accordance with the Council's Constitution, specifically the Access to Information Procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of item 7 based on Categories 1 and 2 of paragraph 10.4 of the Access to Information Procedure Rules. The information contained therein is potentially exempt as it relates to individual personal details and information held under data protection legislation. Having applied the public interest test it is not appropriate to disclose this information as the individuals' legal expectation of privacy outweighs the public interest in the exempt information.

### **6 EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

At a predetermined point during the consideration of all items the Sub-Committee may move into private session in order to receive legal advice when determining issues. The parties to the hearing, press and the public, will be invited to return immediately following that private session at which time the matter will be determined and the decision of the Sub-Committee will be announced.

### **7 HACKNEY CARRIAGE DRIVER'S LICENCE APPLICATION** (Pages 5 - 106)

Report of the Executive Director for Communities, Culture and Homes to consider whether the applicant is a fit and proper person to hold a Hackney Carriage Driver's Licence.



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SOUTHAMPTON CITY COUNCIL  
LICENSING (GENERAL) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 31 AUGUST 2022

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Present: Councillors Bunday (Chair), Cooper, G Galton, Noon and Vaughan

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

**RESOLVED:** that the minutes for the Sub- Committee meeting on 17 August 2022 be approved and signed as a correct record.

10. **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

**RESOLVED:** that at a predetermined point during the consideration of all items the Sub-Committee would 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 the Council's Access to information Procedure Rules would be invited to return immediately following that private session at which time the matter will be determined and the decision of the Sub-Committee will be announced.

11. **APPLICATION FOR RENEWAL OF A SEXUAL ENTERTAINMENT VENUE (SEV) LICENCE - FOR YOUR EYES ONLY, 135 - 136 HIGH STREET, SOUTHAMPTON SO14 2BR**

The Sub-Committee considered very carefully the application for the renewal of the sexual entertainment venue (SEV) licence in For Your Eyes Only, 135-136 high street, Southampton, SO14 2BR.

The Sub-Committee gave due regard to the Local Government (Miscellaneous Provisions) Act 1982, statutory guidance, and Council's own policy where relevant, the Crime and Disorder Act 1998, the Public Sector Equality Duty under section 149, Equality Act 2010 and Human Rights legislation.

The Sub-Committee considered representations both written and given orally at the meeting today.

The Manager, licence holder and the Director of the applicant company for the premises were present and with the consent of the Chair addressed the meeting. A local objector had raised a written objection but did not attend the meeting. The sub-committee gave full consideration to the written objection, although it was noted that just prior to the meeting Licensing Officers discovered that the objector did not live at the address provided in the objection.

The Sub-Committee noted that Hampshire Constabulary Licensing Team had not objected to the application.

**RESOLVED :**That the application for the renewal of the Sexual Entertainment Venue licence be approved with all conditions remaining unchanged including the opening hours.

Reasons

The Sub-Committee carefully considered both the representations on behalf of the applicant and those raised in the objection. It was noted that the address given by the objector was discovered just before the hearing to be one in which the objector did not reside. The committee paid minimal weight to the objection as Licensing advised that the objector had given a false address. The Committee did however explore the issues raised within the letter. The Sub-Committee determined that the applicant had provided sufficient information and were impressed with the applicant's responses to the issues raised by the Sub-Committee and objector in relation (1) to an incident in 2019, (2) overcharging customers and (3) dancers encouraging cash payments.

The sub-committee noted the excellent working relationship between Licensing officers, the applicant and police, and were impressed with the procedures and practices that have been implemented following an incident in 2019. The sub-committee is satisfied that the premises are well run and compliant with all conditions.

The sub-committee noted that the police had not raised any objection.

The sub-committee was satisfied that the licence could properly be renewed.

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SOUTHAMPTON CITY COUNCIL  
LICENSING (GENERAL) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 5 OCTOBER 2022

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Present: Councillors Bunday, Noon, Vassiliou and Vaughan

Apologies: Councillors Furnell

12. **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

13. **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

**RESOLVED:** That at a predetermined point during the consideration of all items the Sub-Committee may move into private session in order to receive legal advice when determining issues. The parties would then be invited to return immediately following that private session at which time the matter will be determined and the decision of the Sub-Committee would be announced.

14. **APPLICATION FOR A RENEWAL OF A SEXUAL ENTERTAINMENT LICENCE - PLAYHOUSE, BASEMENT, 35 LONDON ROAD, SOUTHAMPTON SO15 2AD**

The Sub-Committee considered very carefully the application for the renewal of the sexual entertainment venue (SEV) licence Playhouse, Basement, 35 London Road, Southampton, SO15 2AD

The Sub-Committee has given due regard to the Local Government (Miscellaneous Provisions) Act 1982, statutory guidance, its own policy where relevant, the Crime and Disorder Act 1998, the Public Sector Equality Duty under section 149 of the Equality Act 2010 and Human Rights legislation.

The Sub-Committee considered representations both written and given orally at the meeting today.

The Legal Representative, Manager and the Directors of the applicant company for the premises were present and with the consent of the Chair addressed the meeting. 5 local objectors had raised written objections, but only one attended and spoke at the meeting. The sub-committee gave full consideration to the written objections and the points made at the meeting.

The Sub-Committee noted that Hampshire Constabulary Licensing Team had not objected to the application.

**RESOLVED**

- (i) That the application for the renewal of the Sexual Entertainment Venue licence be approved with all conditions remaining unchanged including the opening hours.

**Reasons**

The sub-committee noted from the outset that some of the issues raised in the written objections were concerned with planning issues, and confirmed at the meeting that planning matters cannot be considered here. The licensing and planning regimes are different and should be kept separate.

The Sub-Committee carefully considered both the representations on behalf of the applicant and those raised in the objections. The Sub-Committee determined that the applicant had provided sufficient information and satisfactory responses to the issues raised by the Sub-Committee and objector regarding whether there had been a change in the nature of the locality. The applicant also addressed the committee on the issues raised of noise nuisance.

The sub-committee noted the objection on the basis that the nature of the local area had changed and crime was on the rise, making it inappropriate for such a venue and discounted this as the police had not raised any objection on this or any other ground.

The sub-committee heard from the objector that noise and crime levels had increased. It noted that the area had a number of clubs and bars that were open late, and therefore the issues could not be definitively attributed to the applicant. The sub-committee noted that the club was in the basement and had a comparatively low level of customers compared to other late night venues in the area.

The sub-committee were satisfied that there has been no change to the locality since the previous sexual entertainment venue licence was granted in March 2022, and that the premises were well run to mitigate noise caused by customers leaving.

The sub-committee were satisfied with the arrangements for both staff and customers when exiting the premises.

The sub-committee was satisfied that the licence could properly be renewed.

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