

Licensing (Licensing and Gambling) Sub-Committee

DOCUMENTS FOR THE MEMBERS ROOM

Tuesday, 9th January, 2018
at 6.00 pm

MEMBERS ROOM DOCUMENTS ATTACHED TO THE
LISTED REPORTS

Contacts

Democratic Support Officer
Pat Wood
Tel: 023 8083 2302
Email: pat.wood@southampton.gov.uk

MEMBERS ROOM DOCUMENTS

7 **APPLICATION FOR A NEW PREMISES LICENCE - POP WORLD, LOWER BANISTER STREET, SOUTHAMPTON, SO15 2EH** (Pages 1 - 22)

Friday, 29 December 2017

SERVICE DIRECTOR, LEGAL AND GOVERNANCE

Agenda Item 7

Popworld, Lower Bannister Street, Southampton, SO15 2EH

New Premises Licence Application

Licensing Sub-Committee Hearing

Date & Time of Hearing – 9th January 2018 at 6pm

Evidence Bundle

Document	Date	Pages
Stonegate Pub Company Ltd Information Sheet		1
Stonegate Licensing Manual Index		3
Dispersal Policy		8
Noise Management Policy		10
Outside Areas Policy		11
Email and Letter Correspondence to Residents	21 December 2017	13
Email from Police regarding application	10 November 2017	16
Case Law: BrewDog v Leeds City Council		17
Philip Kolvin Cumulative Impact Article		19
TENs Applied for 2013 - 2017		20

stonegate

PUB COMPANY

The Company

Stonegate Pub Company is the largest privately held managed pub operator in the UK operating over 690 pubs across the UK. The business comprises 6 operating Divisions, consisting of branded and unbranded pubs and bars which include community and local pubs, catering for customers within the local neighbourhood; high street venues including the Slug & Lettuce, Yates's and Walkabout brands that attract businessmen and women, tourists, families, and students; our Venues Division of late night style bars and nightclubs.

Since the formation of the company in 2010 the company has made significant investment within the estate, both within the fabric of the buildings and the services offered. Its pubs and bars continue to benefit from a multi-million pound investment programme that continually strives to improve amenities and community facilities. Free Wi-Fi is now standard across the estate.

Stonegate's 'Bar to Boardroom' training ethos has resulted in the company being awarded the following;

- Best Managed Pub Company 2017 (Publican Awards)
- Best Late Night Operator 2017 (Publican Awards)
- Best Managed Company for Training (More than 30 outlets) BII National Industry Training Awards 2016
- Distinction in Innovation for digital and social media – HR Distinction Awards 2016
- Distinction in People Development – HR Distinction Awards 2015
- Distinction in Innovative Use of Technology Award – HR Distinction Awards 2014
- Menu Masters Award for Best New Concept category for Missoula, Montana Bar & Grill at the Menu Innovation and Development Awards (MIDAS) 2014
- Best Pub Employer (51+ sites) – Publican Awards 2013
- Menu Masters Award for City and Bar Dining category for Slug and Lettuce at the Menu Innovation and Development Awards (MIDAS) 2013
- Winner of the Town and City category for Yates's in the Menu Innovation and Development Award (MIDAS) in 2012
- MA 250 Best Training Programme award in 2012 – Publican's Morning Advertiser

People

The company employs over 12,500 people and make significant investment in the training and development of their staff. A leading edge, award winning training programme ensures all front-line staff are equipped with the necessary skills to operate safely and legally within the business. Within the last 6 months alone, over 94,000 training modules have been undertaken by pub staff.

Community and Social Responsibility

All pub managers are encouraged to join their local Pubwatch, town centre management or business improvement forums, where they operate. Entry into Best Bar None programmes has resulted in many Stonegate pubs across the country being recognised for their contribution in helping create safer environments for staff and customers alike. This has resulted in a number of our pubs, bars and clubs winning local Best Bar None, Pubwatch and Community Safety awards.



Engagement with the local community takes place in many forms, from supporting community groups, providing facilities clubs, teams and local supplier. Many of these activities result in the raising of significant funds for local and national charities.

The Senior Management

Stonegate Pub Company is operated by a team of highly experienced directors that have a wealth of industry experience.

Ian Payne is Chairman of Stonegate Pub Company. Ian, an accomplished expert in the licensed leisure sector, has held Board positions with Bass Taverns, Stakis plc and Ladbroke gaming. He was CEO of the Laurel Pub Company from its inception in May 2001 through to December 2004 and later Chairman of the Bay Restaurant & Town and City Pub Groups prior to the formation of Stonegate in November 2010. Ian started his career in the trade behind the bar of a local pub more than 35 years ago.

Simon Longbottom serves as the Chief Executive Officer of Stonegate Pub Company. Simon held the post of Managing Director of Pub Partners at Greene King plc since 2010. Prior to that, he served as Managing Director of Gala Coral's gaming division. He has over 11 years' experience at a senior level in the sector having held prominent positions at Mill House Inns and Mitchells & Butlers.

Graham Jones is Director of Operations Support of Stonegate Pub Company, with direct and specific responsibility for licensing matters. A high performing and long standing professional, Graham has held senior operations positions in Whitbread PLC, Laurel Pub Company, Greene King, Barracuda Group and more recently Punch Taverns.

Suzanne Baker is the Commercial Director of Stonegate Pub Company, responsible for all commercial contracts including purchasing and property. Suzanne has spent her career within the licensed leisure sector having previously held Board positions in Bay Restaurant Group, Laurel Pub Company and JD Wetherspoon. She commenced her career joining Grandmet Retail in operations progressing within the marketing and purchasing roles across national brands, including Chef & Brewer.

Tim Painter is the HR Director of Stonegate Pub Company. Tim, who joined from Musgrave Retail Partners, has extensive experience in HR strategy, leadership and development, and change management across the retail sector.

LICENSING MANUAL

England and Wales

Premises Name:

Address:

DPS Name:

Tel no:

Area Manager Name:

Tel no:

CONTENTS

1. Guidance on How to Use and Complete This Manual
2. Licensing Manual Training Sign Off Sheet for Management Team
3. Record of Licences Held
4. Complete List of Mandatory Conditions
5. Certified Copy Premises Licence and All Other Licences (Tables and Chairs, Gaming Permits)
6. Details of Temporary Event Notices at Premises for Current Calendar Year
7. Details of Personal Licence Holders at Premises
8. Bar Staff Authorisation/ DPS Authorisation Sign Off Sheets
9. Key Contact Details, i.e. Police, Council, Head Office, Solicitors
10. Company Licensing Policies
 - a. Social Responsibility Policy
 - b. Underage Sales and Age Verification Policy
 - c. Dispersal Policy
 - d. Outside Areas Policy
 - e. Search Policy
 - f. Drugs Policy
 - g. Lost Property Policy
 - h. Mobile Phone and Theft Policy
 - i. Door Staff Policy
 - j. Drink Spiking Policy
 - k. Children Policy
 - l. Entry Queues Policy
 - m. Floor Walkers' Policy
 - n. Intoxicated Customer Policy
 - o. Crime Reporting and Crime Scene Preservation Policy
 - p. Disorder Strategy Policy and Conflict Management
 - q. Noise Management Policy
 - r. Glassware and Glass Collection Policy
 - s. Vulnerability Awareness and Duty of Care Policy
 - t. Capacity Policy
11. Risk Assessments and Action Plans
 - a. High Profile Event Risk Assessment

b. Drug Awareness Action Plan

12. Minutes of Pubwatch Meetings

13. Minutes of Residents' Meetings

14. Minutes of Other Meetings

15. Any Other Business

GUIDANCE ON USING THIS MANUAL

Introduction

This licensing manual has been created so as to provide valuable information to each of our premises in relation to licensing and to provide the framework to the premises of how Stonegate Pub Company Limited promote the licensing objectives.

This manual contains valuable information and is also to be used as a reference point and training guide for the management team and other relevant staff.

How to use the Manual

With reference to the content sheet, the purpose of the manual is to hold a central record with copies of all **current**[®] licences held at the premises and also copies of the key company policies.

The licensing manual is intended to be an interactive living document which should be regularly reviewed and trained into relevant staff. The licensing manual training sheet should be completed and kept up to date.

As the company operates a variety of brands all with varying licensing issues, the company's policies are a starting point and should be adapted where necessary for your individual business. Please place any site specific modifications and / or policies in the appropriate section.

It is the responsibility of the General Manager to maintain the licensing manual and ensure all staff are trained in respect of the premises licence and all Stonegate policies.

The Licensing Objectives

The Licensing Act 2003 lists four licensing objectives which are the framework upon which the licensing regime in England and Wales is based. They are:-

1. The prevention of crime and disorder
2. Public safety
3. The prevention of public nuisance
4. The protection of children from harm

Stonegate Pub Company Limited and its employees must do everything in their control to promote the licensing objectives at all times.

COMPANY POLICIES AND REFERENCE TO THE LICENSING OBJECTIVES

Under the Licensing Act 2003 the fundamental principles that underpin the licensing system are the licensing objectives. Not only the Licensing Authority but all organisations and persons involved in the licensing process must operate in a way which promotes these licensing objectives. The company has a number of policies that relate to the licensing objectives and you will see from below there is overlap.

Prevention of crime and disorder

- Underage Sales/ Challenge 21 Policy
- Dispersal Policy
- Search Policy
- Drugs Policy
- Drug Awareness Action Plan
- Mobile Phone and Theft Policy
- Door staff Policy
- Drinks spiking Policy
- Entry queues Policy
- Floorwalker Policy
- Intoxicated Customer Policy
- Crime Reporting and Crime Scene Preservation Policy
- High Profile Risk Event Assessment
- Conflict Management and Disorder Strategy Policy
- Glassware and Glass Collection Policy
- Vulnerable Persons and Duty of Care Policy

Protection of Children from Harm

- Policy on children
- Underage sales and refusals Policy
- Floorwalker Policy
- Intoxicated Customer Policy
- High Profile Risk Event Assessment
- Vulnerable Persons and Duty of Care Policy

Public Safety

- Policy on entry queues
- Door staff Policy
- Floorwalker Policy
- Intoxicated Customer Policy
- High Profile Risk Event Assessment
- Conflict Management and Disorder Strategy Policy
- Glassware and Glass Collection Policy
- Vulnerable Persons and Duty of Care Policy

Prevention of Public Nuisance

- Policy on entry queues
- Door staff Policy
- Outside areas Policy
- Social responsibility charter
- Dispersal Policy
- Floorwalker Policy
- Intoxicated Customer Policy
- High Profile Risk Event Assessment
- Conflict Management and Disorder Strategy Policy
- Noise Management Policy

DISPERSAL POLICY

This Policy details the actions which need to be taken with regard to compliance with the Licensing Act 2003. It is also designed to improve the wider management of the late night economy by detailing the steps which need to be taken to reduce the potential for disorder and disturbance.

It is considered by the Company that the majority of disturbance and disorder is likely to occur as a result of a poorly thought out approach to managing the end of night period. The following Policy sets out the steps which should be taken at the end of the trading session to minimise the potential for disorder and disturbance as customers leave the premises. This includes measures to disperse customers over an extended period and also to ensure customers leave the venue in an orderly fashion and without bottles or glasses.

It is recognised that the Company has no direct jurisdiction outside of the boundaries of Company premises although we will continue to use our best endeavours to encourage customers to leave the immediate area in an appropriate fashion.

Key Control Measures for All Sites

1. Progressive Winding Down

In all instances the premises should ensure that the playing of music, which includes recorded music, live music and DJ music (where provided) is progressively wound down over the last half hour of the trading session, or immediately after the service of alcohol ceases. During this period it is the responsibility of the General or Duty Manager to ensure music is played which is of a quieter nature and a lower BPM.

Lighting levels throughout the premises should be gradually increased over the same period and not raised in a single step just prior to closure.

2. Announcements and Signage

Towards the end of the night announcements should be made, if possible, which include the following:-

- a) All customers are reminded that they must not take alcohol off the premises and this should be enforced by the provision of appropriate signage at the exit points of the venue and also all door supervisors must ensure that bottles and glasses are removed from any customers who are attempting to leave the premises with them.
- b) Customers should be asked to leave the premises in an orderly manner. Again, signage should be erected at appropriate exit points thanking them for their custom and requesting in addition that customers are considerate when they leave the premises.

- c) Details of local public transport and / or taxi services should be easily available to customers to enable them to disperse easily. This can be achieved by means of signage or by the availability of business cards for local taxi companies.

3. Door Supervisor's Role

Where utilised, it is the responsibility of the Door Team, in conjunction with the Site Management Team, to use their best endeavours to ensure:

- a) Customers who are leaving the premises do so in a quiet and orderly manner.
- b) If groups of customers are found to be loitering outside the premises after leaving they should be politely asked to move on.
- c) No bottles or glasses are permitted to be taken outside the site.
- d) Customers should be encouraged to leave gradually over the permitted period of "drinking up time".
- e) The practice of "herding out" customers as soon as service of alcohol has ceased should be discouraged and customers should be encouraged to leave gradually over the course of "drinking up" time.
- f) Members of the Door Team should be visible outside the unit for a period of time after closing until all groups of customers have left the vicinity.

4. General / Duty Manager's Role

It is the ultimate responsibility of the General or Duty Manager to ensure that:-

- a) The Door Team are acting effectively and responsibly in line with their responsibilities detailed above.
- b) Customers are not causing any disturbance or nuisance within the vicinity of the unit. If any disturbance is occurring then customers should be asked politely to move on, if safe to do so, or authorities should be called to assist if situation becomes hostile.
- c) A member of the Management Team should be visible with the Door Team until all groups of customers have dispersed.

NOISE MANAGEMENT POLICY

Stonegate Pub Company Limited is a responsible national operator and strives to work closely with the communities within which we operate. We have sites in highly residential areas and some with neighbours further away, and different brands and types of operation. However in all situations it is important that all staff use their best endeavours to manage noise both internally and externally to the best of your control. At all times you should be promoting the licensing objectives of prevention to public nuisance.

Noise can come from a variety of sources, for example, from outside areas and smoking areas, customers, music, staff leaving the premises and from rubbish disposal, amongst other things. Unwanted or excessive noise can cause a nuisance for neighbours and subsequent complaints. Furthermore, the Environmental Health Department has a wide range of powers to deal with noise nuisance from premises, and they or residents could also bring a review against the premises licence. See also the Outside Areas Policy.

Key Control Measures for All Sites

- Consideration should be given to keeping windows and doors closed (except for access and egress) during noisy times, for example, when you have music on. In any event, there may be a condition on the Premises Licence requiring this.
- You should monitor customers in an entry queue and on dispersal to ensure that they are not making too much noise. If necessary, a member of staff should be available to remind them to keep quiet to avoid disturbing neighbours.
- Similarly, you should ensure customers who have stepped outside to smoke or who are in an outside area are managed carefully to ensure they are not causing a noise nuisance.
- Notices should be displayed around the premises as appropriate to remind customers to be respectful and keep the noise down.
- High profile events, such as football matches, may attract large crowds. In these situations it may be necessary to carry out a risk assessment and in any event a larger crowd must be managed carefully to ensure they do not cause too much noise.
- If you have neighbours it may be advisable to keep them informed of any specific events that may be taking place.
- If you have a noise limiter device at the premises this must be used and any set limits adhered to at all times.
- If you have been playing music, consider reducing the volume and beats per minute (BPM) towards the end of trading or as the entertainment ceases as this may encourage your customers to be quieter when they leave.
- You should ensure that any deliveries or collections take place at a suitable hour or in such a way so as not to disturb anyone in the local vicinity.
- Remember noise can also come from air conditioning plant, ventilations fans and other equipment.

OUTSIDE AREAS POLICY

This Policy details the actions and processes which must be followed by employees of Stonegate Pub Company Limited with regard to management and control of all outside areas. The Policy sets out the steps which should be taken to minimise the potential for disorder and disturbance as customers increasingly use outside areas. This includes measures to control potential issues such as noise and litter, maintain customer and staff safety and minimise any impact on the local environment.

It is recognised that whilst the Company has no direct jurisdiction outside of the boundaries of Company premises, we must continue to use our best endeavours to encourage customers in these areas to behave appropriately. The creation of proper boundaries is key to being able to effectively control all of the following issues so you must therefore ensure that you know the extent of your area of responsibility and manage it in accordance with this Policy.

Key Control Measures for All Sites

- Ensure relevant licence conditions on both Premises Licences and any relevant Pavement Permits are strictly adhered to and outside areas are not used outside the specified times. You may also have conditions on the lease of the building which you must comply with.
- Where licence conditions exist with regard to entry and re-entry conditions, these must be complied with at all times.
- All outside areas must be fully risk assessed in line with normal Company procedure.
- Regular checks of outside areas must be undertaken and recorded in accordance with the schedule in the Incident and Due Diligence Logs.
- These outside checks must cover the following control aspects:

1. Noise Issues

In all instances the playing of music (which includes both live music and DJ music, as well as music played through the site internal system) must not be permitted to cause a nuisance to neighbouring properties.

Entrances to all outside areas must be by self closing doors and must not remain open unnecessarily. It is the ultimate responsibility of the General Manager to ensure that doors do not remain held open other than for access and egress purposes.

Moving furniture will make noise - consider the effect on neighbours of taking in the furniture and putting it out, and adhere to any Premises Licence conditions or hours.

Increased customer numbers will create extra noise. It is the responsibility of the General/ Duty Manager and Team to monitor noise levels in outside areas to ensure no

nuisance is caused. It may be necessary to place a team member or member of door staff at relevant exits to ensure this.

2. Signage

Ensure appropriate signage is in place, requesting customers to respect the local residents.

Where licence conditions dictate, signage must also be in place to remind customers that they are not permitted to take alcohol/glasses outside at any time.

3. Litter

Ashtrays will be provided for the benefit of customers using the outside areas. These must be regularly emptied to ensure that litter is minimised.

Collection of flammable materials must be carried out in compliance with the relevant fire risk assessment and appropriate precautions taken. Ensure no obstruction takes place where these ashtrays are placed on the highway.

It is the responsibility of the General/ Duty Manager to ensure that, at the end of trading hours, the outside areas are left clear of litter, including smoking debris, and that no nuisance is caused to neighbours by litter being allowed to accumulate.

4. Other

A robust procedure must be in place to manage the capacity issues potentially created by the flow of customers to and from any outside areas. It is the responsibility of the General Manager to implement and maintain this process.

Consider stationing a door supervisor or member of management in the outside area at busy times to monitor customers in this area and prevent any problems from escalating.

Where the outside area is covered by CCTV, the General Manager must ensure the system is in full working order and is set to record at all times that the outside area is in use. Where this area is not currently covered by CCTV consideration is to be given to providing this coverage.

Appropriate clothing is to be worn at all times. Customers are not permitted to remove shirts, t-shirts or equivalent items to expose their bodies.

David Inzani

From: Clare Eames
Sent: 21 December 2017 17:14
To:
Subject: Popworld, Lower Bannister Street, Southampton - New Premises Licence
- Licensing Hearing
Attachments: Letter.pdf; Enclosures.pdf
DOCID: 2146224264
SENTON: 21/12/2017 17:14:06

Dear

I write to you on behalf of my client, Stonegate Pub Company Limited, with respect to their application for a new Premises Licence at the above site.

Following your representation to my client's application and in preparation for the Licensing Sub Committee hearing scheduled for 9th January 2018, please find attached a letter and enclosures which have also been sent to you in today's post.

Should you have any questions or comments regarding this then please do not hesitate to contact me.

Kind regards

Clare

Date: 21st December 2017

Our ref: DI/DI/L10627-14204
Doc Ref: 2146102295

Your ref: d.lnzani@popall.co.uk

E-mail: 0203 859 7753

Direct line:

Via email & post

Dear

Popworld, Lower Bannister Street, Southampton
New Premises Licence

I act on behalf of the owners and operators of Popworld in Southampton, Stonegate Pub Company Limited, and I have received your representation in relation to my Client's application for a new premises licence.

As the Council's Licensing Officer may have confirmed to you, a hearing in respect of this application is scheduled for **Tuesday 9 January 2018 at 6pm** in Civic Centre, Southampton, SO14 7LY.

By way of background, my Client, Stonegate Pub Company Limited, who own and operate Popworld, are a highly respected national pub company with over 700 premises throughout the UK, and just like Popworld, they operate many of their premises in close proximity to residents and are committed to working in partnership with the local community. Therefore, my Client's Area Manager, James Beaumont, together with Aaron Findlator, the General Manager of the premises, would welcome the opportunity to meet with you to discuss your concerns, clarify our application and explain relevant measures and policies in place at the venue and which will continue to be in place if the application is granted.

As such, James and Aaron will be available at the premises to meet you at a suitable date and time over the next few weeks, if this would be convenient for you. If you would like to arrange a specific time and date that may be convenient please call James and he would be happy to arrange this with you. James' telephone number is 07795 082018. Alternatively, I would be more than happy to speak to you on the telephone to discuss your representation.

I would also like to take this opportunity to clarify our application and address points raised in your representation.

I understand your primary concern relates to the extension of terminal trading hours by an additional hour Monday to Saturday and by two and a half hours on Sundays.

The purpose for seeking later hours comes from requests from our client's customers, who want to continue their night in a safe and comfortable environment, rather than leave and go to another premises. The experience from existing customers shows that at the moment when people leave they head to other venues, rather than going home. Extending the terminal hour to 3am will prevent double migration of customers leaving our client's premises and then another premises later on. Keeping our customers with us means that they are in a controlled and supervised environment and allows for a gradual dispersal which can be managed and contained.

As you may be aware, our client already benefits from an existing premises licence and a New Premises Licence application has been submitted, not only to extend the hours for trading permitted

on the existing licence, but to also update the premises licence conditions to ensure that they are suitable for the style of operation at the premises. As this is a New Premises Licence Application we have taken the opportunity to replace the existing operating schedule, which is outdated in parts, and offer an updated bespoke operating schedule to the hours proposed which has been carefully crafted following pre-consultation with the Police in particular. Much of the current operating schedule is replicated and offered as new updated conditions in boxes b) to e). However, new conditions are also offered which bolster the operating schedule ensuring it is robust, clear, appropriate and enforceable. In particular, a new condition regarding ID Scan is offered, along with body cameras for door staff as well as a condition in respect taking reasonable steps to recognise the rights of local residents and displaying appropriate notices to assist in the prevention of public nuisance.

Furthermore, my client has robust policies and procedures in place to ensure the premises operates at a high standard and promotes the Licensing Objectives. These are central documents adapted to the needs of Popworld as required and include management of noise and outside areas, as well as a queuing and dispersal policy. Staff are trained to recognise and take steps to prevent nuisance and respect the rights of local residents. These robust policies, as well as the updated operating schedule proposed, will continue in place should the application be granted.

In respect of your concerns that the application may undermine the Licensing Objectives, prior to submission of the application we consulted with the Responsible Authorities, including the Police. The Police have had no objection to the application, and to the contrary have confirmed that they have every confidence in our client and that the proposal does not undermine the licensing objectives, which is partly based on the experience of the operator and proposed operating schedule conditions. I enclose the email from the police for your reference. Furthermore, we have also conducted Temporary Event Notices to trial the later hours which have demonstrated the perceived retention of customers, to prevent double migration, and have allowed for a safe and controlled dispersal with no detriment to the licensing objectives.

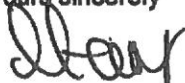
Considering the above, we believe that the New Premises Licence Application will not have an adverse impact on the licensing objectives, nor will it add to the cumulative impact of the area, and our client believes that the measures proposed in the bespoke operating schedule, along with the existing measures and robust policies in place, along with the experience of our client as a licensed operator, will ensure the premises continue to promote the licensing objectives if the application is granted. .

I hope the above clarifies our application and alleviates concerns you may have. Should you feel that the information provided is sufficient for you to withdraw your representation so we can avoid a hearing in respect of this matter, then please be assured that my Client would be happy to continue to liaise with you as to any issues or concerns you may have.

I have also enclosed a copy of the application, along with a copy of the company's policies as to noise and outside area management and dispersal for your reference, along with the email from the police.

I look forward to hearing from you.

Yours sincerely



Clare Eames
Poppleston Allen

Encs

David Inzani

From:
Sent: 10 November 2017 19:58
To: licensing@southampton.gov.uk
Cc: Clare Eames; licensing@hampshire.pnn.police.uk
Subject: New Premises Licence Application - Popworld, Lower Bannister Street , Southampton

DOCID: 2146166485

Dear Licensing

I am in receipt of a new premises licence application for the above premises. Can I firstly confirm that if you are minded to grant this application, all proposed conditions listed upon the application within section "M", 1-35 will added to the licence verbatim.

If this is the case the police do not make representations regarding this new application.

I am aware that this licence, if granted will replace the existing Popworld premises licence and the current licence surrendered .In essence, this application has been submitted to increase all licensable activities, the opening hours of the premises and consolidate formal conditions.

The police are aware that this venue falls well within one of Southampton City Councils cumulative impact areas and as such i am aware of the policy to which that relates. It is unusual for the police not object to such applications especially within the city of Southampton. A city that does suffer from alcohol related serious crime and disorder within the night time economy.

In this circumstance, which has been viewed on its own merits, I take confidence in the fact that the applicant has identified the cumulative impact that an increase in licensable activities may generate. With the implementation of ID scanning for patrons and body worn video (BWV) and the likellhood that this venue would become an end destination venue. The conditions that have been proposed have been done so with full consultation with the police.

I also take confidence that the applicant, Stonegate Pub Company Ltd and their legal representatives Popplestone Allen are both receptive to feedback and committed to ensuring venues that they control and represent are both safe and compliant to licensing legislation. I say this with several years' positive experience dealing with the two companies.

I would suggest that this application mitigates the undermining of the licensing objectives and can be considered to be an exception to the cumulative impact policy. It is with these points carefully considered, the police do not make representations regarding the application.

Kind Regards

PC 2903 Brian Swallow

IN THE LEEDS MAGISTRATES COURT

BETWEEN :-

BREWDOG BARS LIMITED

Appellant

- and -

LEEDS CITY COUNCIL

Respondent

NOTE OF DECISION OF
DISTRICT JUDGE ANDERSON
6th SEPTEMBER 2012

No doubt when the 2003 Licensing Act came into being, no-one foresaw the emergence of an operation such as Brewdog. They are a A Scottish company specialising in craft beers with a devoted clientele. They do not operate large public houses selling cheap lager or cheap food. They have outlets in other cities including in cumulative impact areas where they operate well and without police objection. Now they seek to come to Leeds.

The company takes a didactic approach, with books on brewing, and customers invited to watch instructional videos playing at their premises. Their customers could be described as "alcohol geeks." They are not run of the mill or everyone's cup of tea, but there is a demand for outlets selling a good quality of beer.

If they had identified a site outside the City's Cumulative Impact Policy area, there is absolutely no doubt that they would already have their licence. They are an intelligent, well-run company, and in a short space of time they have shown themselves to be an effective operator.

However, this site does fall foul of the Cumulative Impact Policy which was introduced with the best possible motives to control the grant of licences to new premises. There is a presumption within it that new applications shall not be granted, unless the applicant can discharge the reverse burden in establishing that they will not add to the cumulative impact, and that is the issue in this case.

I can deal with one conclusion briefly, the issue of noise and nuisance. The Court heard evidence from Miss Ludford that she had gone to the trouble of circulating a letter to all residents in the neighbouring block of flats but received no objections. Against that was the more general evidence of Mr Kenny, which showed noise complaints to the Council. But most of those complaints were amplified music and Brewdog does not seek to be able to provide amplified music and so there is no risk of noise from regulated entertainment emanating from the premises. The capacity is small and any noise generated as people leave the premises will be very marginal indeed. It seems to me that the premises of this public house would not be a significant impact on the Cumulative Impact area regarding public nuisance and so I do not intend to mention this further.

That leaves the more important objection of the Police and the potential impact of another premises on the levels of crime in the area. There are a number of clubs around the Corn Exchange and the late

hours they trade, the marketing operations and the type of customer they attract means that there is regular disorder and violence. they run with late hours, attracting a different sort of customer. Their presence causes violence. That is a sad fact of modern life. The situation cannot be assisted by the sort of promotion I saw advertised by Chill! White with cheap vodka and free vodka, but they have their licence.

It cannot be the policy of the Cumulative Impact Policy to bring the iron curtain clanging down to allow such clubs to continue to trade while shutting out Brewdog which attracts more discerning customers who do not engage in binge drinking, though I do accept the requirement of the Cumulative Impact Policy is to ascertain specifically whether there will be impact.

If I accept, as I do, that the enterprise sells expensive beers in expensive measures, then I think I can conclude that the people likely to be attracted are not "get it down your neck" drinkers but rather better heeled customers. The type of clientele a premises attracts has a material part to the play in the decision, because if I am not worried about their clientele and am impressed by the running of their bars elsewhere, it follows that it is unlikely that their clientele will have any adverse impact on the area here.

The Police argued that customers may accidentally cause impact. Their argument that customers could get caught up in a melee caused by others is not a valid one. A simple increase in footfall isn't a rational reason to refuse entry to Leeds by Brewdog.

I have listened carefully but have heard nothing which causes me to believe that the application should not be granted. I am satisfied that the appellants have discharged the burden of proof placed on them.

I accept that the Committee and the Police did their best but their application of the Policy was too rigid. They seemed to take the view that man was made for the Policy, when the Policy should be made for man.

The appeal is upheld, and the licence granted in the terms set out in the bundle served on the Court.



Leading licensing barrister slams councils over “iron-rule” approach to cumulative impact zones

By Nell Dinkovskid

25-Oct-2013 - Last updated on 29-Oct-2013 at 09:48 GMT

A leading licensing barrister has slammed local councils for their “iron-rule” approach to cumulative impact zones (CIZs) after helping Sainsbury’s win a court appeal against a refusal of a premises licence.

Philip Kolvin QC said councils were using cumulative impact policies as an excuse against granting further licences. He argued that instead, such policies should do nothing more than give councils the right to ask applicants to demonstrate that the licence will not impact negatively on the CIZ.

Kolvin said: “Councils can’t refuse licences simply on the basis that a cumulative impact policy is in place. In this most recent case, we successfully argued on the basis that it is not an iron-rule – all it does is compel the applicant to demonstrate that their proposal will not have a negative impact on the area.”

Irrelevance

Sainsbury’s won the appeal against Leicester City Council after it successfully argued that the issue of street drinking in the zone had been addressed through licence reviews and dealing directly with street drinkers.

Kolvin explained: “The council’s case was that its progress ought not to be threatened by yet more licensed premises, even if it was a well-run operator such as Sainsbury’s.

“However, any impact they were talking about had long since vanished. They hadn’t reviewed their policy, and we successfully argued that the policy had become an irrelevance.”

Kolvin expressed his surprise that there were so many CIZs across the country – estimated to be around 160 at the moment.

He believed the latest ruling should give encouragement to any business wishing to apply for a licence to sell alcohol in a CIZ.

Merits

Kolvin said: “This case demonstrates the critical importance of giving individual consideration to the merits of applications and appeals, even when an application is contrary to a directly applicable cumulative impact policy.”

“We have moved the argument a little, to show that you can win convincingly in a stressed area, if you present the right case – as we did for BrewDog in Leeds last year.”

He added: “Any licensed premises applicant should think through what impact it is going to have, and think through what procedures and management policies they are going to put in place to ensure it don’t add to that impact.”

Copyright - Unless otherwise stated all contents of this web site are © 2017 - William Reed Business Media Ltd - All Rights Reserved - Full details for the use of materials on this site can be found in the Terms & Conditions

RELATED TOPICS: Licensing law



Popworld, Lower Bannister Street, Southampton
TENs Applied for 2013 - 2017

Event From	Event To	Alcohol From	Alcohol To	Ent From Time	Ent To Time	Details
18/03/2013	18/03/2013	00:30:00	03:00:00	00:30:00	03:00:00	St Patrick's Day celebrations
30/03/2013	01/04/2013	00:30:00	03:00:00	00:30:00	03:00:00	Easter celebrations
21/06/2013	21/06/2013	02:00:00	03:00:00	02:00:00	03:00:00	Student Nights
28/06/2013	30/06/2013	02:00:00	03:00:00	02:00:00	03:00:00	Student nights/payday weekend
05/07/2013	06/07/2013	02:00:00	03:00:00	02:00:00	03:00:00	Student Night
12/07/2013	12/07/2013	02:00:00	03:00:00	02:00:00	03:00:00	Student Night
01/11/2013	03/11/2013	02:00:00	03:00:00	02:00:00	03:00:00	Halloween celebrations
07/12/2013	08/12/2013	01:00:00	03:00:00	01:00:00	03:00:00	Christmas Festivities
14/12/2013	15/12/2013	01:00:00	03:00:00	01:00:00	03:00:00	Christmas Festivities
20/12/2013	22/12/2013	01:00:00	03:00:00	01:00:00	03:00:00	Celebration Night
30/03/2014	30/03/2014	01:00:00	04:00:00	01:00:00	04:00:00	British Summer time
19/04/2014	21/04/2014	02:00:00	03:00:00	02:00:00	03:00:00	Easter celebrations
31/05/2014	31/05/2014	02:00:00	04:00:00	02:00:00	04:00:00	DJ night
22/09/2014	22/09/2014	00:30:00	02:00:00	00:30:00	02:00:00	Freshers welcome party
29/11/2014	30/11/2014	01:00:00	03:00:00	01:00:00	03:00:00	Christmas celebrations
02/12/2014	02/12/2014	01:00:00	03:00:00	01:00:00	03:00:00	Christmas celebrations
06/12/2014	07/12/2014	01:00:00	03:00:00	01:00:00	03:00:00	Christmas celebrations
13/12/2014	14/12/2014	01:00:00	03:00:00	01:00:00	03:00:00	Christmas celebrations
20/12/2014	22/12/2014	00:30:00	03:00:00	00:30:00	03:00:00	Christmas celebrations
03/04/2015	06/04/2015	00:00:00	04:00:00	00:00:00	04:00:00	Celebration Night
04/05/2015	04/05/2015	00:30:00	02:00:00	00:30:00	02:00:00	Bank holiday celebrations
25/05/2015	25/05/2015	00:30:00	02:00:00	00:30:00	02:00:00	Bank Holiday celebrations
04/07/2015	05/07/2015	00:00:00	04:00:00	00:00:00	04:00:00	Celebration Night
29/08/2015	31/08/2015	00:00:00	04:00:00	00:00:00	04:00:00	Bank holiday celebrations
01/11/2015	01/11/2015	02:00:00	02:00:00	02:00:00	03:00:00	Celebration Night
12/12/2015	13/12/2015	02:00:00	03:00:00	02:00:00	03:00:00	Celebration Night
19/12/2015	21/12/2015	00:30:00	03:00:00	00:30:00	03:00:00	Celebration Night
27/02/2016	28/02/2016	02:00:00	03:00:00	02:00:00	03:00:00	Celebration Night
25/03/2016	28/03/2016	02:00:00	03:00:00	02:00:00	03:00:00	Easter Celebrations
30/04/2016	01/05/2016	02:00:00	03:00:00	02:00:00	03:00:00	Bank holiday
01/01/2017	01/01/2017	02:00:00	03:00:00	02:00:00	03:00:00	Celebration Night
28/01/2017	29/01/2017	01:30:00	03:00:00	01:30:00	03:00:00	Celebration Night
14/04/2017	14/04/2017	01:30:00	03:00:00	01:30:00	03:00:00	Celebration Night
16/04/2017	17/04/2017	00:30:00	03:00:00	00:30:00	03:00:00	Celebration Night
27/05/2017	29/05/2017	01:30:00	03:00:00	01:30:00	03:00:00	Celebration Night
18/09/2017	18/09/2017	00:30:00	03:00:00	00:30:00	03:00:00	Celebration Night
23/09/2017	24/09/2017	01:30:00	03:00:00	01:30:00	03:00:00	Celebration Night
29/09/2017	01/10/2017	01:30:00	03:00:00	01:30:00	03:00:00	Celebration Night
30/10/2017	30/10/2017	00:30:00	03:00:00	00:30:00	03:00:00	Celebration Night
03/12/2017	03/12/2017	01:30:00	03:00:00	01:30:00	03:00:00	Celebration Night
10/12/2017	10/12/2017	01:30:00	03:00:00	01:30:00	03:00:00	Celebration Night
17/12/2017	17/12/2017	01:30:00	03:00:00	01:30:00	03:00:00	Celebration Night
23/12/2017	23/12/2017	01:30:00	03:00:00	01:30:00	03:00:00	Celebration Night

