
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 23 NOVEMBER 2017

Present: Councillors Mrs Blatchford, Lewzey and Painton

19. **ELECTION OF CHAIR**

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

20. **MINUTES OF PREVIOUS MEETINGS (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the meetings held on 27 September 2017 and 11 October 2017 be approved and signed as a correct record.

21. **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED

- (i) that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005, the press and public be excluded from the meeting; and
- (ii) that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the parties to the hearing be excluded at a predetermined point whilst the Sub-Committee reaches its decision.

22. **APPLICATION FOR REVIEW OF PREMISES LICENCE - BUDDHA LOUNGE, 3 WINCHESTER STREET, SOUTHAMPTON, HAMPSHIRE, SO15 2EL**

The Sub-Committee considered the confidential report for an application for review of the premises licence in respect of Buddha Lounge, 3 Winchester Street, Southampton, SO15 2EL.

PC Sharon Conway and Collin Pollard (Hampshire Constabulary), Mr Islam and Mr Islam (Premises Licence Holders), and Mr Paredesi (Premises Licence Holder's Solicitor) were present and with the consent of the Chair, addressed the meeting.

The press and public were excluded from the hearing in accordance with Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

The Sub-Committee considered the decision in confidential session in accordance with the Licensing Act (Hearings) Regulations 2005.

RESOLVED that the additional condition be attached to the premises licence as amended during the course of the hearing.

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 determined that the hearing should proceed with the press and public excluded. This decision was made in accordance with the Licensing Act 2003

(Hearings) Regulations 2005. The papers contain allegations relating to criminal offences and personal details and it was determined that the public interest in doing so outweighed the public interest in the hearing in accordance with Regulation 14.

The Sub-Committee has considered very carefully the application for review and representations by all the parties present at the hearing. It was noted that the parties had negotiated during the course of the consultation period and had reached agreement in relation to conditions that ought to be attached to the premises licence.

Due regard has been given to the provisions of the Licensing Act 2003, the statutory licensing objectives, the statutory guidance and the City Council's adopted statement of licensing policy. Human rights legislation has been borne in mind.

In light of all of the above the Sub-Committee has determined to attach an additional condition to the premises licence, the wording of which was set out in an email between the parties dated the 17 November 2017 and submitted at the hearing. That email contained paragraphs numbered 1 to 8 which shall form the wording of a condition attached to the Premises Licence subject to the following amendment:

- At paragraph 3 "as long as the request is lawful with regards to data protection legislation" shall be removed.
- At paragraph 5 "shall be of a similar specification to those currently utilised by Hampshire Constabulary and as such" shall be removed and the following wording shall be added to the end of the sentence "and of a specification agreed by the Police"
- At paragraph 6 the following wording shall be added to the end of the sentence "or as required by conditions on the Licence".

Reasons:

The Sub-Committee heard evidence from Hampshire Constabulary in relation to recent events of concern at the premises and in particular incidents involving Door Staff both within and outside the premises.

However, the Police evidence was very much encouraging in relation to detailing significant engagement and ongoing co-operation with the Premises Licence Holder. Several of the additional conditions initially requested by the Police were withdrawn on the basis that existing conditions were in fact being satisfactorily complied with.

The Sub-Committee considered very carefully all of the options available to it in accordance with Section 52 (4) of the Act. However, in light of the agreement reached between the parties and on the basis of the clear evidence provided by the police it was considered appropriate and proportionate to impose the amended condition as detailed above and agreed between the parties during the course of the hearing. The Sub-Committee having reconvened to consider the wording of the agreed condition was fully satisfied that the wording now imposed reflects the intentions of both parties, the Premises Licence Holder accepting that body worn video at the premises will assist the investigation of allegations, complaints and potentially act as a deterrent. In this way the parties agree that the imposition of the condition will strengthen and uphold the prevention of crime and disorder objective. The Sub-Committee wholly endorses this

view and has imposed the condition accordingly, without taking further steps at this time.

It is advised that signage make it clear that body worn video is used at the premises.

There is a right of appeal for any party to the Magistrates' Court. All parties will receive written notification of the decision with reasons which will set out that right in full.

In this instance the Sub-Committee, having consulted the parties to the hearing, determined that the decision should be published in accordance with Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 on the basis that it identifies no individual other than the parties and does not jeopardise any other external ongoing process.