
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 10 MAY 2018

Present: Councillors J Baillie, Mrs Blatchford and Furnell

32. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meeting held on 28 February 2018 be approved and signed as a correct record.

34. **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.

35. **APPLICATION FOR A PREMISES LICENCE - CRAFTY FOX, 14 THE BROADWAY, PORTSWOOD ROAD, SOUTHAMPTON, SO17 2WE**

The Sub-Committee considered the application for grant of a premises licence in respect of Crafty Fox, 14 Broadway, Portswood Road, Southampton, SO17 2WE

Neil Davis and Colin Okeath, (Applicants), Verena Coleman, Jonathon Chipp, Jane Jameson, Dr Buckle and Sandra Lochhead (Local Residents) and Councillor Claisse (Ward Councillor) 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 premises licence be granted.

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 a premises licence at Crafty Fox, 14 The Broadway, Portswood Road, Southampton, SO17 2WE. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy.

The Sub-Committee considered the representations, both written and given orally today, by all parties. Human rights legislation has been borne in mind whilst making the decision.

It was noted that the application was amended by the applicant during the course of the hearing to confirm that alcohol sales at the premises shall commence at midday 7 days a week, that live music shall only be permitted on Fridays, Saturdays and Sundays and that a condition would be accepted requiring outdoor seating to be locked, preventing use when the premises are not open.

In light of all the above the Sub-Committee has determined that the application should be approved as amended and subject to the following conditions:

- Amendment of the condition transposed from the operating schedule and relating to CCTV to ensure that the outside seating/smoking area is covered by CCTV coverage as well as the entrance and exit.
- Outdoor seating shall be locked securely to prevent use whilst the premises are not open

Reasons

The Sub-Committee noted that no representation had been received from any of the responsible authorities but notably from Hampshire Constabulary nor Environmental Health. In the absence of representation, the assumption must be that the responsible authorities are satisfied with the application. Extensive conditions are proposed by the applicant and detailed within the application (forming the operating schedule) dealing with CCTV, incident book, refusals book, Challenge 25, and staff training.

The Sub-Committee heard evidence from residents raising concerns regarding the potential for an increase in nuisance and crime and disorder as a result of an additional premises selling alcohol in this location, as well as noise emanating from the premises. Whilst the Sub-Committee strongly sympathises with these concerns it was forced to consider whether the evidence presented was sufficient to make it appropriate in all the circumstances to refuse the licence or restrict the operation of the premises.

The Sub-Committee heard evidence from the applicant that the premises is intended to be niche premises attracting families and those drinking coffee. In essence the premises are intending to attract patrons that are less likely to cause nuisance resulting from anti-social behaviour. The premises are relatively small and will offer premium products. It was stressed by evidence given by the applicant that live music would typically consist of a single person playing a guitar/piano and would generally last no longer than two hours. The Sub-Committee considered imposing a condition strictly limiting this timescale, but decided it was not appropriate to do so on the basis of the proposed activities at this time.

It was noted that residents' concerns centred on daytime street drinking, late night anti-social behaviour/nuisance as well as the high number of premises located in this area. The Sub-Committee understands these concerns and sympathises with the issues caused as a result. However serious consideration had to be given to whether this particular application would cause issues of concern relating to the licensing objectives if granted.

It is very difficult for the Sub-Committee to predict the impact of the proposed premises when dealing with new premises. The Sub-Committee has accepted legal advice

provided during the course of the hearing that the legislation creates a presumption of grant unless there is sufficient evidence to justify any restriction imposed.

The Sub-Committee was not convinced on the balance of probabilities that the premises would add to the problems relating to street drinkers given the premium product on offer. In addition, the proposed premises was not considered likely to attract students or heavily intoxicated patrons so as to contribute to late night antisocial behaviour/nuisance. Whilst it was noted that the number of premises and the cumulative impact can be considered, a refusal or further restrictions than those imposed were not considered appropriate for these reasons.

Should the premises change the way it operates and this leads to issues impacting upon the licensing objectives, a review may be initiated by residents as well as responsible authorities. This may result in appropriate steps being taken to address the issues of concern at that stage.

The Sub-Committee accepted legal advice provided during the course of the hearing that planning considerations as well as commercial need or demand for the premises cannot be taken into consideration.

Recommendations

It was noted that the applicant expressed an intention to engage with local residents and this is supported by the licensing authority and it is hoped that the applicant and residents can have meaningful dialogue to the benefit of the community going forward.

The applicants should consider carefully whether doors and windows should remain closed whilst regulated entertainment is provided.

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.