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

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Present: Councillors Mrs Blatchford (Chair), McEwing, Renyard and Streets

Apologies: Councillors B Harris

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

The apologies of Councillor B Harris were noted.

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

**RESOLVED** that the minutes of the meeting held on 31 July 2019 be approved and signed as a correct record.

9. **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.

10. **APPLICATION FOR A SEXUAL ENTERTAINMENT VENUE (SEV) LICENCE - BLACK DIAMOND, BASEMENT, 35 LONDON ROAD, SOUTHAMPTON SO15 2AD**

The Sub-Committee considered the report of the Service Director – Transactions and Universal Services seeking determination for the grant of a Sexual Entertainment Venue (SEV) Licence.

The Licensing Manager, the applicant's solicitor together with a Director of the applicant company and her husband and the proposed manager for the premises were present and with the consent of the Chair addressed the meeting. A local objector also asked to speak and with the consent of the Chair addressed the meeting.

The Sub-Committee gave 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 Equality Act 2010 and Human Rights legislation.

The Sub-Committee considered representations both written and given orally on 28 August 2019.

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

**RESOLVED**

- (i) That the application for the grant of the Sexual Entertainment Venue licence be approved subject to (a) a change to the requested opening hours and (b) non-agreement to the amendments to the Council's standard conditions requested in the application, as below.
- Opening hours to be from 2100 hours to 0500 hours – Monday to Sunday;
  - Standard Condition 1.8 to remain in full
  - Standard Condition 14.5 to remain in full
  - Standard Condition 15.4 to remain in full
  - Standard Condition 15.5 to remain in full with the addition of "The refusals log to be maintained for 12 months"
  - Standard Condition 20.5 to remain in full with the addition of "However, use of flame retardant see-through curtain is permitted" to be added after "Private booths must not be fully enclosed"
  - Standard Condition 20.7 to remain in full.

### Reasons

The Sub-Committee carefully considered both the representations on behalf of the applicant and those of the objectors. The Sub-Committee determined that the applicant had provided sufficient information and satisfactory responses to the issues raised by the Sub-Committee and objectors including equality issues so that the licence could properly be granted.

However the Sub-Committee determined that the requested opening hours of 1600 hours to 0600 hours 7 days a week were too long and further that the 1600 hours start time was too early taking into account information provided by the applicant regarding their other venues.

Regarding the requests for disapplication and amendments to standard conditions, the Sub-Committee's reasoning was as follows:

For Condition 1.8 It was considered to be inappropriate and unacceptable for there to be any touting immediately outside or in the vicinity of the premises.

For Condition 14.5 It was considered necessary for reasons of safety of dancers to keep this condition unaltered.

For Condition 15.4 It was considered to be appropriate to keep this condition unaltered for reasons of safety and noting that nightclubs are moving towards this system and it was felt to be appropriate for a Sexual Entertainment Venue to do the same.

For Condition 15.5 It was determined that this condition should remain the same but with the addition of a period of retention.

For Condition 20.5 It was determined that a see through curtain could be permitted within the existing condition.

For Condition 20.7 It was determined necessary for reasons of safety.

