

**LICENSING (LICENSING AND GAMBLING) SUB – COMMITTEE
DECISION OF THE MEETING HELD ON 10 FEBRUARY 2020
SUMMARY REVIEW OF A PREMISES LICENCE
FOR YOUR EYES ONLY, 135-136 HIGH STREET,
SOUTHAMPTON SO14 2BR**

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 certificate of Superintendent Whiting, the application for summary review and the interim steps imposed at the previous Hearing. In addition, the representations by all the parties present at the hearing as well as written representations were also fully taken into consideration.

The application for summary review brought by the Police was supported by Mr Glenn Nicie. The Sub-Committee heard from PC Scott and PC Swallow for Hampshire Constabulary, Mr Evans and Emily Ivins for the Licence Holder and Mr Phipps for Mr Nicie.

Due regard has been given to the provisions of the Licensing Act 2003, including 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.

The Sub-Committee has also considered the interim steps taken on 14 January 2020 and whether they should continue.

In light of all of the above the Sub-Committee has determined to allow the premises to reopen with immediate effect subject to full compliance with the conditions agreed between all the parties. For clarity, those agreed conditions are set out as exhibits "EJ1", "EJ2" and "EJ3" attached to the statement of Emily Jane Ivins dated 7 February 2020 as far as they relate to this licence.

Reasons:

The Sub-Committee considered very carefully all of the options available to it in accordance with Section 53C of the Act.

The Sub-Committee noted that there had been a great deal of collaboration between all the parties to agree conditions. Hampshire Constabulary confirmed that on the basis that these conditions were fully complied with, their concerns regarding the crime and disorder licensing objective would be satisfactorily addressed. With this in mind there would be no objection to the premises reopening.

The Sub-Committee was reminded that paragraph 9.12 of the statutory guidance states that the police provide the main source of advice on the crime and disorder objective. As such the Sub-Committee agreed to follow the police advice and allow the premises to reopen with the agreed conditions in place.

Appendix 3

The Sub-Committee reviewed the steps imposed at the interim steps hearing and has determined that the suspension should be removed.

The Sub-Committee makes it clear that in allowing the premises to reopen in full compliance with the agreed conditions, staff training will need to have been completed before reopening.

The Sub-Committee noted that the Premises Licence Holder through her representative undertook to apply immediately the proposed new conditions on the Sexual Entertainment Venue licence and to apply for a Variation as soon as practicable. This undertaking, together with the police advice, has enabled the Sub-Committee to allow the premises to reopen.

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.