
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 29 November 2012

Present: Councillors Cunio (Chair), Lewzey and Tucker

61. **ELECTION OF CHAIR**

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

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

RESOLVED that the Minutes of the Meeting held on 1st November 2012 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

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

RESOLVED that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the press and public be excluded at a predetermined point whilst the Sub-Committee reached its decisions.

64. **APPLICATION TO VARY A PREMISES LICENCE - TALKING HEADS, 320 PORTSWOOD ROAD, SOUTHAMPTON, SO17 2TD**

The Sub-Committee considered the application to vary a premises licence in respect of Talking Heads, 320 Portswood Road, Southampton, SO17 2TD. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Benfield, Owner, Mr Wilks, Designated Premises Supervisor, Mr Quinlan, Mr Hollands, Mr Curtis and Mr Collins, residents 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 2003 (Hearings) Regulations.

RESOLVED that:-

- (i) the application to vary a premises licence be granted, subject to the following conditions:-
 - the premises licence holder shall ensure that all external windows and doors shall remain closed whilst any amplified sound is played at the premises, except for access and egress. If doors must be opened to allow bands or musicians with equipment from or into the premises, all amplified music shall cease whilst this takes place;

- all amplified sound at the premises shall pass through a limiting device, capable of controlling sound levels. That limiting device shall be of a type, design, specification and installed to the satisfaction of Environmental Health. It shall be set and maintained at a level approved by Environmental Health;
- customers going outside to smoke or consume alcohol after 22h00 on any night shall exit the premises to the rear (not onto the street or pavement); and
- a minimum of two SIA approved door staff shall be on duty at the premises from 22h00 until close on any evening that the premises is open after 01h00; and

(ii) the following be recommended to the premises licence holder:-

- that a better relationship be built with residents offering an opportunity for residents to report issues and raise concerns; and
- that consideration be given to the installation of automatic door closers to help ensure compliance with the condition relating to doors and windows.

REASONS

The Sub-Committee has considered very carefully the application to vary a premises licence at Talking Heads and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy, human rights legislation as well as all the evidence submitted by all parties, both written and given orally today and in particular considered which steps, if any, were necessary and appropriate in accordance with the legislation and the terms of the guidance.

The Sub-Committee noted that although there had been no objections from responsible authorities, particularly Hampshire Constabulary and Environmental Health, there had been representations from residents who were concerned that the variation sought to extend the opening hours of the premises, as noise levels were already an issue in the area. It was accepted that students do pass through the area after having visited other venues. It was noted that there was some dispute as to the origins of the noise escape between residents and the applicant. The Sub-Committee noted complaints regarding bass sounds escaping and further general noise escape when doors and windows were left open.

The Sub-Committee considered very carefully residential concerns and gave due weight to their representations in relation to public nuisance and noise. However, it was also noted that no representations had been made by either the Police or Environmental Health with regard to the premises. It was felt on balance that the above conditions would be sufficient and appropriate measures if properly implemented to address the issues, in particular the potential for noise, should the licence be granted. Specifically by requiring all doors and windows to be closed, door staff to be present and all amplified sound to be passed through a limiting device, the potential for noise nuisance would be greatly reduced.

The Sub-Committee, whilst making this decision, took into account the ability of residents to make representation in the future which will lead, where evidence shows the premises are the cause of additional noise nuisance or associated nuisance, to a review hearing where further steps can be taken to address those issues. Accordingly residents should be reassured that the licensing authority does have significant powers when dealing with a premises on review if appropriate and proportionate in all circumstances.

65. **APPLICATION FOR PREMISES LICENCE - SHELL UK OIL PRODUCTS LIMITED, BASSETT AVENUE, SOUTHAMPTON, SO16 7LQ**

The Sub-Committee considered the request for adjournment of the above application in order that the statistical data requested by the police could be collated.

PC Harris and PS Wood, Hampshire Constabulary were present.

RESOLVED that the application be adjourned until 25th April 2012.