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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 15 JUNE 2016

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Present: Councillors Mrs Blatchford, Painton and Parnell

5. **ELECTION OF CHAIR**

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

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

**RESOLVED** that the minutes of the meeting held on 26 May 2016 be approved and signed as a correct record.

7. **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.

8. **APPLICATION FOR VARIATION OF A PREMISES LICENCE - SCOOZI BAR & GRILL, 37A OXFORD STREET, SOUTHAMPTON SO14 3DP**

The Sub-Committee considered the application for variation of a Premises Licence in respect of Scoozi Bar and Grill, 37A Oxford Street, Southampton SO14 3DP.

Mr Gray (Solicitor for Applicant), Ferit Ndoci (Applicant), Judith Williams and Reece Bridges, as witness (Local 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 (Hearings) Regulations 2005.

**RESOLVED** that the variation for the premises licence be granted as applied for and subject to a recommendation.

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 variation of a premises licence at Scoozi Bar & Grill, 37A Oxford Street, Southampton SO14 3DP. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy. Human Rights legislation was borne in mind whilst making the decision.

The Sub-Committee heard concerns regarding the display of notices on site. Further information was provided confirming that licensing enforcement officers had visited the premises, unannounced, and taken photographs of notices on display.

The Sub-Committee noted that the applicant had agreed conditions with the Police relating to:

- CCTV
- Challenge 25
- Incident and refusals log
- Training
- Security officers
- Polycarbonate glassware
- Signage
- Toilet checks
- Last entry

The Sub-Committee noted representations made by two residents in relation to the application and heard oral evidence from one resident and her witness.

In consideration of all of the above the Sub-Committee has determined to approve the application as applied for and subject to a recommendation.

### Reasons

The Sub-Committee considered very carefully the residents' representations and in particular noted the following issues raised:

- That sound travels from the area containing most licensed premises uphill towards the residential area;
- That the number of premises creates a cumulative impact and that additional hours or an increase in licensable activities will further add to those issues;
- An unofficial taxi rank forms encouraging patrons towards the residential area;
- That customers are drawn away from the licenced premises towards the residential areas for parking;
- That customers cause criminal damage, noise nuisance and commit offences including urinating in public places and drug taking;
- The Human Rights Act requires a balancing exercise; and
- A general lack of police presence.

The Sub-Committee did very carefully consider all these points, however accepted the point raised by the solicitor for the applicant relating to the causal link between these issues and the applicant's premises in particular, as well as other licensed premises. It is also noted that the resident mentioned nuisance arising from other premises providing other forms of entertainment including live and amplified music. The Sub-Committee was mindful of the fact that the applicant's premises are food led being mainly of restaurant use and with bar provision being ancillary to food. The Sub-Committee did not accept assertions that the nature of the premises would necessarily change by the granting of an additional hour.

The Sub-Committee considered carefully the argument that a cumulative impact arises due to the number of premises in the locality. Whilst, in accordance with the Licensing Authorities policy, the Sub-Committee can consider such an impact, it is noted that the premises is not located within an area already identified as a result of police evidence

as suffering from undue levels of stress (and where the rebuttable presumption applies). In the alternative, the Licensing Authority is presented with an application where the police have agreed conditions, which the Sub-Committee is bound to infer satisfies any concerns they may have. The list of conditions is a lengthy one and the conditions are detailed. The Sub-Committee also notes in particular that there is a lack of representation from Environmental Health in relation to noise complaint from the premises.

The Sub-Committee was invited to accept that the limited representation for the residential objectors was not indicative of the level of concern. However, the Sub-Committee is bound to make a decision on the basis of the evidence that is presented to it and accordingly cannot make assumptions or predictions in this regard.

The Sub-Committee heard the very eloquent evidence from the residential objector and her witness and held some sympathy for the issues faced by them. However, the Sub-Committee heard from the applicant that the intention was to retain customers that had eaten a meal rather than attract large number of “new customers” after the provision of food has ceased. Making predictions on this point is somewhat speculative at this stage and as a result the Sub-Committee is minded to grant the applicant the benefit of the doubt in this instance.

However, local residents can be reassured that in the event that the grant of the licence does in fact lead to issues of concern, relevant to the licensing objectives, a review may be initiated where evidence of the same can be considered. This may result in appropriate steps being taken to address them. This can be done by a local resident or a ward Councillor as well as any of the responsible authorities.

The Sub-Committee did very carefully consider all of the evidence but ultimately came to the conclusion that at this point in time the balance of evidence did not justify refusing the additional hour sought and the inclusion of outdoor space, and that the grant of the licence was the appropriate and proportionate step at this time.

#### Recommendation

The Sub-Committee considered carefully whether it should condition the use of the outside area to protect the interests of local residents. In light of all the evidence the Sub-Committee had heard it was not deemed necessary to impose a condition. However, the Sub-Committee does strongly recommend that the outside area is cleared of customers by 12 midnight Sunday to Thursday and before 01:00 hours Friday to Saturday.

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.