
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 27 JULY 2016

Present: Councillors Furnell, Painton and Parnell

Apologies: Councillors

9. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meeting held on 15 June 2016 be approved and signed as a correct record.

11. **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.

12. **APPLICATION FOR GRANT OF A PREMISES LICENCE - TRAMSTOP BAR, 186-188 PORTSWOOD ROAD, SOUTHAMPTON SO17 2NJ**

The Sub-Committee considered the application for grant of a premises licence in respect of Tramstop Bar, 186-188 Portswood Road, Southampton SO17 2NJ.

Mr Ventham (Applicant), Mr Underhill (Solicitor), Mr Lucker (DPS), Dr Buckle, Mrs Jameson, Mr Chipp, Dr E Parker, Dr J Parker, Dr Ashurst (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 Tramstop Bar, 186-188 Portswood Road, Southampton SO17 2NJ. 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 cease as 23:00 hours 7 days a week, that live music shall only be permitted inside the premises and that recorded music shall cease at 23:00 hours.

The Sub-Committee has determined that the application should be approved as amended.

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 attached within the papers labelled "Appendix" and dealing with CCTV, incident book, refusals book, Challenge 25, training, toilet checks, dispersal policy, authorisation, door staff and external areas.

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 used as a restaurant / café with alcohol being ancillary to food provision. Live and recorded music was requested on the basis of background music rather than as a primary function. It was stressed by evidence given by the applicant that live music would typically consist of a single person playing a guitar. Having carefully considered the plan, the Sub-Committee is not convinced that the bar area located immediately on entrance is of sufficient size to enable the drinks provision to dominate the premises as asserted.

On the basis that the premises have not been trading and this is a new application it is very difficult for the Sub-Committee to predict the real impact of the proposed premises, and 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 licence has been granted on the basis of the representations regarding the nature of the premises. On this basis the licensing authority expects the premises to be run in the manner that has been set out. In the event that the premises changes its operation the applicant should be warned that where this leads to issues impacting upon the licensing objectives, a review may be initiated by residents as well as responsible authorities.

Local residents likewise, 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 and may result in appropriate steps being taken to address them.

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.

The Sub-Committee considered the opening hours of the premises in the locality and did not consider the amended hours to extend beyond, or be out of step with them and as a result does not feel that the application being granted would attract significant additional patrons to the area. Because of the nature of the premises being food led rather than alcohol led, it is considered unlikely that patrons visiting the premises will add to the type and nature of nuisance and criminal damage highlighted by residents.

Recommendations

It is noted that the application refers to the provision of private functions / parties including weddings and birthday parties, and the Sub-Committee strongly recommends that the premises be very cautious about the nature of events that are permitted and that they are not allowed to cause nuisance or lead to disturbance. The applicants should consider carefully whether doors and windows should remain closed whilst regulated entertainment is provided at such events and whether the provision of door staff is necessary.

The Sub-Committee notes that the policy document provided by the applicant is currently a draft but would stress that if the supervision of customers whilst queuing at / entering and leaving the premises, or the monitoring admission is required, properly licensed SIA door staff be employed, as required by the Private Security Industry Act 2001.

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.