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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 31 May 2012

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Present: Councillors Cunio, B Harris and Vassiliou

1. **ELECTION OF CHAIR**

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

2. **DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS**

Councillor Cunio disclosed a personal interest in that she knew one of the residents who had made a written representation, however, as there were no objections she remained in the meeting.

3. **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.

4. **VARIATION APPLICATION FOR PREMISES LICENCE - DPS VARIATION**

The Sub-Committee noted that Item 4, Hampshire Constabulary's objection to a Variation Application for a Premises Licence – DPS Variation, had been withdrawn.

5. **APPLICATION FOR A VARIATION OF A PREMISES LICENCE - BAIZZ CLUB, 57-59 CASTLE WAY, SOUTHAMPTON, SO14 2AU**

The Sub-Committee considered the application to vary a premises licence in respect of Baizz Club, 57-59 Castle Way, Southampton, SO14 2AU. (Copy of report circulated with the agenda and appended to the signed minutes).

Mr Swain, Owner/Applicant, Mr Madden, Applicant's Representative, Councillor Noon, Ward Councillor, Ms Conchie and Mrs Gover, 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 2005.

**RESOLVED** that the variation application be granted subject to the following conditions/limitations:-

- (i) the conditions as agreed with the police (and set out in full in the email submitted to the Sub-Committee) relating to SIA Door Staff, Restriction of Entry after 23h00, Personal Licence holder to be on the premises, Junior Members not permitted to sign in guests and to be accompanied by an adult, Junior Members not allowed to enter the bar area, revocation of membership to those attempting to supply alcohol to Junior Members, CCTV, Challenge 25, Refusals Book, Incident Book and Training be attached to the licence; and
- (ii) live Music, Provision of Facilities for Entertainment of a similar description to that falling within I or J and Provision of Facilities for Dancing shall all cease at 00h00 (Midnight) on any day.

## **REASONS**

The Sub-Committee considered carefully the application to vary a premises licence and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy, Human Rights legislation, representations, both written and given orally today by the applicant and residents, including the additional evidence submitted by both parties with the agreement of all parties at the hearing.

It was noted that the applicant had agreed specific conditions with the police and that this had led to a lack of representation on their part. Likewise it was noted that no representation was made by the Environmental Health Department in particular. Further, that 6 residential representations had been withdrawn following a meeting with and correspondence from the applicant. The Sub-Committee accepted legal advice that the application and matter for determination was not review of the premises licence, but limited only to those licensable activities proposed by way of variation.

The Sub-Committee considered very carefully the representations of both the applicant and residents and noted the residential nature of the area in which the premises were located. The Sub-Committee was of the opinion that by limiting the hours that live music and dancing might occur, a fair balance had been struck between the concerns of the residents and the applicant. Clearly, residents had strong concerns regarding the potential for further nuisance and crime and disorder resulting from the additional hours and licensable activities at the premises and the Sub-Committee felt that the evidence of nuisance directly linked to the premises was sufficient to warrant a reduction in the hours proposed.

The Sub-Committee, in light of the flier/poster tabled at the meeting, attached due weight to the written representations raising issues mirroring those set out in that poster and the representations generally. Nonetheless, the Sub-Committee heard sufficient evidence from residents to be satisfied that the imposed reduction in the terminal hour was appropriate and proportionate, given the nature of the area and the potential for an increase in those issues experienced.

## RECOMMENDATIONS

- that the Premises Licence Holder pursue the installation of the proposed balcony for smokers from the premises in order to address residents' concerns regarding those exiting the premises to smoke and causing disturbance; and
- that the Premises Licence Holder continue to liaise with the Environmental Health Officer regarding any potential noise nuisance caused by the additional licensable activities at the premises.

All parties were reminded of the legislative provision for review of a premises licence and that the decision may be appealed by any party to the hearing.