

DECISION-MAKER Licensing (Licensing and Gambling) Sub-Committee

SUBJECT Hearing to Consider an application for Review of Premises Licence –
Ship Inn, 107 Victoria Road, Southampton SO19 9DZ

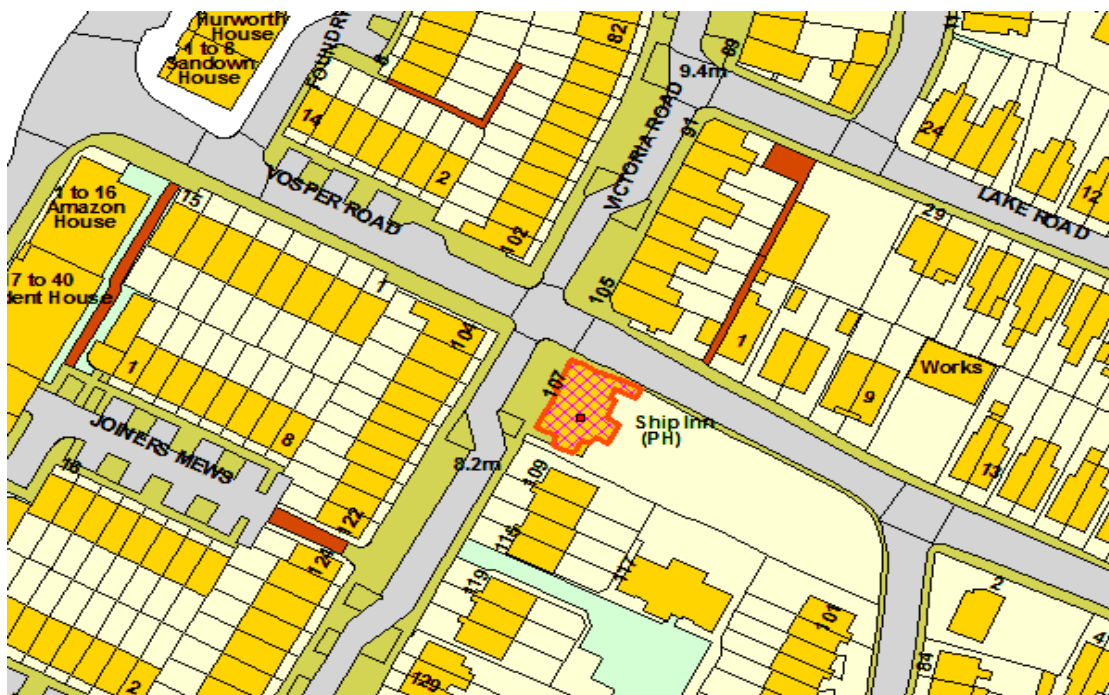
DATE OF HEARING Thursday 27 March 2014

REPORT OF Head of Legal and Democratic Services

E-mail licensing@southampton.gov.uk

Application Date : 31 January 2014 Application Received : 3 February 2014

Application Valid : 3 February 2014 Reference : 2014/00805/015SRP



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Responsible Authority	Satisfactory?
Child Protection Services - Licensing	No Response Received
Hampshire Fire And Rescue - Licensing	No Response Received
Environmental Health - Licensing	Yes

Planning & Sustainability - Building Control - Licensing	No Response Received
Primary Care Trust - Public Health Manager	No Response Received
Police - Licensing	Yes
Trading Standards - Licensing	Yes

Other Representations

Name	Address	Contributor Type

Legal Implications

1. Part 3 of the Licensing Act 2003 provides that a responsible authority of a resident or business in the vicinity (interested party) may apply for review of a premises licence
2. The grounds of review applications must relate to one or more of the licensing objectives
3. In such circumstances, the applicant for the review must serve a copy of the review application on the holder of the premises licences, the City Council and each of the responsible authorities.
4. On receipt of the application for review, the officers will consider its validity, under delegated powers. Reasons for rejection, in whole or in part, include:
that the grounds for review are not relevant to one of more of the licensing objectives and;
(in the case of an application not made by a responsible authority), that the application is frivolous, vexatious or repetitious..
5. The City Council must, within one day of receiving the application for review, display a prescribed notice of the review application on the outside or adjacent the premises; the notice must remain on display for 28 days and any interested party in the vicinity or the responsible authorities may make representations in that period.
6. Unless the applicant, licence holder, interested parties and responsible authorities agree that a hearing is unnecessary, the City Council is then required to hold a hearing to consider the review.
: The sub-committee, in considering the application for review, must have regard to the adopted Statement of Licensing Policy and evidence before it at the hearing.
7. The Licensing Act 2003 provides that, in determining an application for review, the sub-committee may take any (or none) of the following steps, as it considers necessary:

Modify the conditions of the licence;
Exclude a licensable activity from the scope of the licence;
Remove the designated premises supervisor;
Suspend the licence for a period not exceeding three months
Revoke the licence.

8. The Licensing Act 2003 makes provision for appeal to the Southampton Magistrates' Court against the sub-committee's decision in relation to an application for review
9. In considering this application the sub-committee will sit in a quasi-judicial capacity and is thus obliged to consider applications in accordance with both the Licensing Act 2003 (Hearings) Regulations 2005, and amending secondary legislation and the rules of natural justice. The practical effect of this is that the sub-committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision
10. Copies of the application for review and the applicant's objection are annexed to this report
11. The sub-committee must also have regard to:-

Crime and Disorder Act 1998

Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Human Rights Act 1998

The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affects another's rights must be no more onerous than is necessary in a democratic society. The matters set out in this report must be considered in light of the above obligations.

Southampton City Council

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I **BRIAN MICHAEL KNIGHT**

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

THE SHIP INN
107 VICTORIA ROAD
WOOLSTON

Post town SOUTHAMPTON

Post code (if known) SO19 9DZ

Name of premises licence holder or club holding club premises certificate (if known)

Number of premises licence or club premises certificate (if known)



Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

- | | |
|---|-------------------------------------|
| a) a person living in the vicinity of the premises | <input checked="" type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

KNIGHT

First names

BRIAN MICHAEL

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

[Redacted]

Post town

SOUTHAMPTON

Post Code

SO19 [Redacted]

Daytime contact telephone number

[Redacted]

E-mail address (optional)

[Redacted]

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

Please provide as much information as possible to support the application
(please read guidance note 2)

NO NOISE PREVENTION MEASURES HAVE BEEN PUT IN PLACE AT ANY TIME, BY ANY LANDLORD. WHEN THE PREMISES RE-OPENED IN JUNE 2013 AFTER A BRIEF PERIOD OF CLOSURE, HEAVY CURTAINS WHICH WERE THE ONLY NOISE-REDUCING FEATURE, WERE REMOVED. THE WINDOWS ARE OF SINGLE GLAZING ONLY.

THERE HAVE BEEN MANY OCCASIONS OVER THE YEARS THAT I FOUND IT NECESSARY TO REGISTER COMPLAINTS WITH THE ENVIRONMENTAL HEALTH DEPARTMENT REGARDING EXCESSIVE NOISE FROM THESE PREMISES. MORE RECENTLY (SINCE JUNE 2013) THE PROBLEM HAD BEEN WEEKLY KARAOKE SESSIONS AND OCCASIONAL LIVE BANDS. FULL ADVANTAGE OF THE ENTERTAINMENT LICENSE WAS TAKEN WITH MUSIC FINISHING ON THE STROKE OF MIDNIGHT (SOMETIMES OVER-RUNNING) AND THIS CAUSED MY WIFE AND I LACK OF SLEEP.

FROM THE TIME THE PREMISES RE-OPENED I MADE COMPLAINTS REGARDING NOISE ON 26TH & 27TH JULY, 2ND AUGUST, 30TH AUGUST, 4TH OCTOBER, 24TH DECEMBER AND 27TH DECEMBER 2013. THESE WERE FOLLOWED-UP WITH E-MAILS ON 29TH JULY, 3RD AUGUST, 31ST AUGUST, 7TH OCTOBER AND 7TH JANUARY 2014.

ADDITIONALLY, ON 9TH AUGUST 2013, THE PRINCIPAL ENVIRONMENTAL HEALTH OFFICER, ELAINE JEFFERY, VISITED THE PREMISES AND SPOKE AT LENGTH TO THE MANAGER ABOUT NOISE PREVENTION. SHE MADE A NUMBER OF RECOMMENDATIONS BUT NONE WERE IMPLEMENTED.

I WAS GIVEN TWO "CODE 10" REFERENCES, WHICH WERE 13/05970/NOIS10 AND 13/00205/NOIS10.

ASIDE FROM THE MUSIC, THERE HAVE BEEN FREQUENT LATE NIGHT DISTURBANCES IN THE PAST FROM DRUNKEN, ROWDY BEHAVIOUR FROM PEOPLE GATHERED IN THE SMALL, EXTERIOR SMOKING AREA ADJOINING THE WESTON GROVE ROAD ENTRANCE TO THE PREMISES.

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

THE CURRENT LICENSE ALLOWS FOR LIVE MUSIC TO BE PLAYED UNTIL MIDNIGHT ON THURSDAYS, FRIDAYS AND SATURDAYS. THE PREMISES IS CLOSELY SURROUNDED BY RESIDENTIAL PROPERTIES AND THE LICENSE WAS GRANTED MANY YEARS BEFORE THE NEW CENTENARY QUAY DEVELOPMENT WAS STARTED.

THE PREMISES CLOSED IN JANUARY 2013 BUT RE-OPENED IN JUNE 2013 WITH THE EXISTING LICENSE REMAINING IN PLACE. THE PUBLIC HOUSE CLOSED AGAIN IN JANUARY 2014 AND AS THE BUILDING CURRENTLY STANDS EMPTY, THE OPPORTUNITY SHOULD BE TAKEN TO WITHDRAW THE ENTERTAINMENT LICENSE IN ORDER THAT ANY NEW LANDLORD MAY RE-APPLY, SETTING OUT PROPOSALS FOR NOISE PREVENTION.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

30/1/14

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

BRIAN MICHAEL KNIGHT

Post town SOUTHAMPTON

Post Code SO19

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.
6. See separate guidance for responsible authorities' details.