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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 11 DECEMBER 2014

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Present: Councillors Lloyd, Painton and Tucker

31. **ELECTION OF CHAIR**

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

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

**RESOLVED** that the minutes of the meeting held on 6 November 2014 be approved and signed as a correct record.

33. **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.

34. **APPLICATION FOR VARIATION OF A PREMISES LICENCE - THE BUTCHERS HOOK, 7 MANOR FARM ROAD, SOUTHAMPTON SO18 1NN**

The Sub-Committee considered an application for a variation of a premises licence in respect of The Butchers Hook, 7 Manor Farm Road, Southampton SO18 1NN.

Mr A Nicholls, Mr D Richardson (Applicants), Mr P Hewitt (witness supporting the application), Ms E Batten (Resident/Supporting), Mr S Jancenoka (Trader/Objecting), Mr G Grey Drummond and Ms C Mason (Residents/Objecting) 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 to vary a premises licence be approved.

After private deliberation the Sub-Committee reconvened and the Chair read 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 variation of a premises licence at The Butchers Hook, 7 Manor Farm Road. 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 carefully the representations both written and given orally today from local residents and businesses, as well as from the applicant and

residents in support. Human rights legislation has been borne in mind whilst making the decision.

The Sub-Committee has determined to approve the application to vary a premises licence.

### Reasons

The Sub-Committee has considered very carefully all of the evidence, particularly that of local residents and the neighbouring business.

It was noted that concerns identified past issues regarding nuisance caused by excessive numbers at the premises at the time it first opened. Evidence from all parties, however, confirmed that the premises had subsequently been better managed and issues are now properly under control. Residents are fearful of the potential for issues to reoccur when the summer weather affects the operation of the premises.

Despite very careful consideration of all the issues raised by the representations objecting to the variation the Sub-Committee was satisfied on balance that the weight of evidence showed that the premises are now properly run and the premises licence holder has been able to respond proactively to issues by liaising with responsible authorities and the licensing authority and implementing control measures to ensure the premises are well run. It was noted that there is extensive CCTV at the premises and that door staff are employed at those times that may pose a higher risk. The Sub-Committee also noted carefully the lack of representation from the police and environmental health and accordingly the inference that the application is satisfactory.

Legal advice was accepted that the area which is the subject of the application is private property and not extending upon the highway. In this respect the applicant is to be commended for making the application to regularise what might otherwise be a technical issue in the event patrons are allowed to drink alcohol in an area which whilst being on private land may be caught by the effect of the Designated Public Places Order.

The Sub-Committee did consider whether the evidence presented warranted the imposition of conditions or the restriction of the area by reduced hours of use, a limit on the number permitted or the use of polycarbonate drinking glasses. However, in light of the lack of representation from any of the responsible authorities and the weight of evidence showing the extent of due diligence exercised at the premises, it was not felt appropriate to impose such restrictions at this stage. The applicants have shown on the balance of probabilities that the premises has reacted proactively and is well run.

The applicants are warned however that strict care should be taken over the operation of this open space given the potential, if it is not carefully managed, to create nuisance or disturbance. Residents and local businesses as well as other responsible authorities may initiate a review of the premises licence in the event that as a matter of fact issues do arise from the use of this area.

The Sub-Committee would like to thank all the parties for attending today and for engaging in meaningful debate during the hearing.

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.