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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 30 OCTOBER 2019

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Present: Councillors G Galton, McEwing and Noon

23. **ELECTION OF CHAIR**

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

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

**RESOLVED** that the minutes of the meeting held on 28 August 2019 and 4 September 2019 be approved and signed as a correct record.

25. **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

**RESOLVED** that the Sub-Committee move into private session in order to receive legal advice when determining issues. The parties to the hearing, press and the public, unless otherwise excluded by Category 4 of paragraph 10.4 of the Council's Access to Information Procedure Rules, would be invited to return immediately following that private session at which time the matter would be determined and the decision of the Sub-Committee announced.

26. **APPLICATION FOR GRANT OF A PREMISES LICENCE - OLD BOND STORE, BACK OF THE WALLS, SOUTHAMPTON SO14 3HA**

The Sub-Committee considered the report of the Service Director of Transactions and Universal Services for an application for a premises licence in respect of Old Bond Store, Back of the Walls, Southampton, SO14 3HA.

The applicant was represented by Philip Doherty, Designated Premises Supervisor and Amber Athill; several residents who had objected to the application were in attendance 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 premises licence be granted as amended and subject to additional conditions.

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 the Old Bond Store, Back of the Walls, Southampton SO14 3HA. 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.

The Sub-Committee was made aware that following discussions with the police the application had been amended so that it included conditions dealing with CCTV, incident book, refusals book, Challenge 25, and training. The amended conditions were submitted to the satisfaction of the police on 26 September. On that basis there were no representations from any of the responsible authorities.

The Sub-Committee was also made aware that on 14 October the applicant had requested conditions regarding the closure of all doors and windows at and after 21:00 hours when licensable activities were taking place and also no bottle emptying between 21:00 and 08:00 hours.

Residential representations had been received leading to the hearing. The Sub-Committee accepted legal advice provided during the course of the hearing that those parts of the representations relating to planning issues and/or breaches of the planning consent cannot be taken into consideration when making the decision relating to the premises licence. The Sub-Committee therefore had to concentrate its mind upon the four licensing objectives.

The applicant was represented by Philip Doherty, Designated Premises Supervisor and Amber Athill, and they both addressed the Sub-Committee. Several residents were in attendance, and also addressed the Sub-Committee.

Having heard all the above evidence, the Sub-Committee determined to grant the application with the amendments as set out above and with the additional condition as follows:

That the premises is to provide the concierge telephone number for residents to call, to speak to the Designated Premises Supervisor, or person who is responsible for the premises and able to take action to address concerns raised, whilst licensable activities are taking place and for thirty minutes after the end of such activities.

#### Reasons

The Sub-Committee heard evidence from the applicant that the premises is intended to be used as a working space and function rooms, providing business facilities for private groups under a membership scheme. The licensable activities applied for are ancillary to this use. It was stressed by evidence given by the applicant that live music would typically be acoustic. The Sub-Committee heard evidence that the bar area is not of sufficient size to enable the drinks provision to dominate the premises.

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.

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 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.

Should the premises fail to operate in the way described and this leads to issues impacting upon the licensing objectives, a review may be initiated by residents as well as responsible authorities. This may result in appropriate steps being taken to address the issues of concern at that stage.

#### Recommendations

It is noted that the application refers to the provision of private functions 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.

It is further recommended that the residents take up the offer made here today to visit the premises and to take up with the applicant any issues arising from the premises use.

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.