

DECISION-MAKER

LICENSING (LICENSING & GAMBLING) SUB COMMITTEE

SUBJECT

HEARING TO CONSIDER AN APPLICATION FOR VARIATION OF A PREMISES LICENCE -

Mail Room 37A Oxford Street Southampton SO14 3DP

DATE OF HEARING REPORT OF

WEDNESDAY 29th JANUARY 2020 at 16:00 hrs

SERVICE DIRECTOR – COMMUNITIES, CULTURE AND HOMES

E-mail

licensing@southampton.gov.uk

Application Date : 17th December 2019

Application Received 17th December 2019

Application Valid : 17th December 2019

Reference : **2019/07016/01SPRV**



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Representations from Responsible Authorities

Responsible Authority	Satisfactory?
Safeguarding Children	Yes
Fire Service	No Response Received
Environmental Health - Licensing	Yes
Home Office	No Response Received
Planning and Sustainability	Objection
Public Health Manager	No Response Received

Police - Licensing	No Response Received	
Trading Standards	No Response Received	
<i>Other Representations</i>		
Name	Address	Contributor Type
Mr Colin Beaven	5 Oxford Mews Latimer Street Southampton SO14 3EE	Resident
Mr Roger Townsend	8 John Street Southampton SO14 3DR	Resident
Joyce Stockwell	23 John Street Southampton SO14 3DR	Resident
Sarah Stannard	20 John Street Southampton SO14 3DR	Resident
Mr N V Instone	3 Oxford Mews Latimer Street Southampton SO14 3EE	Resident

Legal Implications

- 1 The legislation specifically restricts the grounds on which the sub-committee may refuse an application for variation of a premises licence, or impose conditions. The legislation provides for a presumption of grant of an application for variation of a premises licence, subject to the determination of the application with a view to promoting the licensing objectives in the overall interests of the local community. In doing so the sub-committee must give appropriate weight to:
 - the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - its own statement of licensing policy
 - the Statutory Guidance
- 2 An application may be refused in part and thereby only permit some of the licensable activities sought.
- 3 An applicant for variation of a premises licence whose application has been refused, or who is aggrieved by conditions imposed, may appeal against the decision to the Magistrates' Court. Any other person, who made a valid representation, may appeal to the Magistrates' Court against the decision to grant the application or against any conditions imposed.
- 4 In considering this application the sub-committee will sit in a quasi-judicial capacity and is thus obliged to consider the application in accordance, in particular, with both the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) 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.

Only persons that made relevant representations or their representative, within the time limits, will be allowed to present evidence and this will be restricted to the points raised in their written representation. Any evidence used to expand upon specific points already raised in a written representation should be served upon all parties in good time before the hearing date in order to allow them to respond.

proper consideration. A failure to properly serve any such additional evidence in advance is likely to mean it cannot be produced or relied upon at the hearing.

5 The sub-committee must also have regard to:

- *The Crime and Disorder Act 1998*
Section 17 of the Crime and Disorder Act 1998 places the sub-committee 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.
- *The 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 sub-committee 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 sub-committee 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 sub-committee which affect 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.

Equality Act 2010

Section 149 of the Equality Act 2010 requires the Council to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act. It also requires the Council to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This means having due regard to the need to removing or minimising disadvantages suffered, taking steps to meet the needs of persons, encouraging persons to participate in public life, tackling prejudice and promoting understanding. The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation

Copies of the application for a variation of a premises licence and the representations to it are annexed to this report.

Summary of application

Applicant	Genco Restaurant & Bar Ltd.
Agent for licence Holder:	NONE
DPS	Mr. Sebastien Philippe Bousson

This is a full variation application to allow the following:

- 1) To extend the terminal hour for the sale of alcohol until 02:00 the following day Monday to Sunday.
- 2) To extend the terminal hour for live music, recorded music, performance of dance and entertainment of a like kind and late night refreshment until 02:00 the following day Monday to Sunday.
- 3) To extend the opening hours to allow the premises to open from 09:00 and close at 02:00 the following day Monday to Sunday.

A copy of the current licence is attached to this report.

The application has received representations from five local residents and from a responsible authority (Planning and Sustainability Dept.).

Application form - Pages 5-26

Current Premises Licence – Pages 27-35

Planning and Sustainability Objection – Pages 36

Representations from Local Residents – Page 37-45

Hearing Procedure Notes – Pages 46-49

SOUTHAMPTON AND EASTLEIGH LICENSING PARTNERSHIP
Application to vary a premises licence 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/We Genco Restaurant & Bar Ltd.
 (Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	2019/06417/01SPRO
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Mail Room. 37A Oxford Street Southampton SO14 3DP			
Post town	Southampton	Postcode	SO14 3DP

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£

Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	
Post town	
Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

*

The variation is to extend the hours to 2:00 AM.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
Tue			<u>State any seasonal variations for performing plays (please read guidance note 6)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
			<u>State any seasonal variations for the exhibition of films (please read guidance note 6)</u>		
Tue					
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)</u>		
Tue					
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Wed					
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon	9am	2am			
Tue	9am	2am	<u>State any seasonal variations for the performance of live music (please read guidance note 6)</u>		
Wed	9am	2am			
Thur	9am	2am	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Fri	9am	2am			
Sat	9am	2am			
Sun	9am	2am			

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	11am 9am	2am			
Tue	11am 9am	2am			
Wed	11am 9am	2am	State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Thur	11am 9am	2am			
Fri	11am 9am	2am	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat	11am 9am	2am			
Sun	11am 9am	2am			

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	9am	2am			
Tue	9am	2am	State any seasonal variations for the performance of dance (please read guidance note 6)		
Wed	9am	2am			
Thur	9am	2am	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	9am	2am			
Sat	9am	2am			
Sun	9am	2am			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Mon	9am	2am		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	9am	2am	Please give further details here (please read guidance note 5)		
Wed	9am	2am			
Thur	9am	2am			
Fri	9am	2am	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Sat	9am	2am			
Sun	9am	2am	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 7)		

1

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11am 9am	2am	Please give further details here (please read guidance note 5)	Both	<input type="checkbox"/>
Tue	11am 9am	2am			
Wed	11am 9am	2am	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur	11am 9am	2am			
Fri	11am 9am	2am	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Sat	11am 9am	2am			
Sun	11am 9am	2am			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon	11am 9am	2am			
Tue	11am 9am	2am			
Wed	11am 9am	2am			
Thur	11am 9am	2am	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	11am 9am	2am			
Sat	11am 9am	2am			
Sun	11am 9am	2am			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

N/A

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

All the conditions to remain the same.

b) The prevention of crime and disorder

x2 bouncers Fridays and Saturdays
CCTV
intruder alarm

c) Public safety

CCTV
x2 bouncers

d) The prevention of public nuisance

x2 bouncers

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	16/01/2019
Capacity	Director Dawn Wastell

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)	

Privacy statement

The Council is collecting this information in order to perform this service or function, and if further information is needed in order to do so, you may be contacted using the details provided.

In performing this service, the Council may be required to share your information with other organisations or departments, but it will only do so when it is necessary in order for the service to be provided.

The Council may also share your personal information for the purposes of the prevention, investigation, detection, or prosecution of criminal offences, but will not share your personal information, or use it for this, or any other purpose, unless provided for by law.

For more detail about how we handle your personal data please see our privacy policies:

For Southampton City Council applications: <http://www.southampton.gov.uk/privacy>

For Eastleigh Borough Council applications: <https://www.eastleigh.gov.uk/privacy>

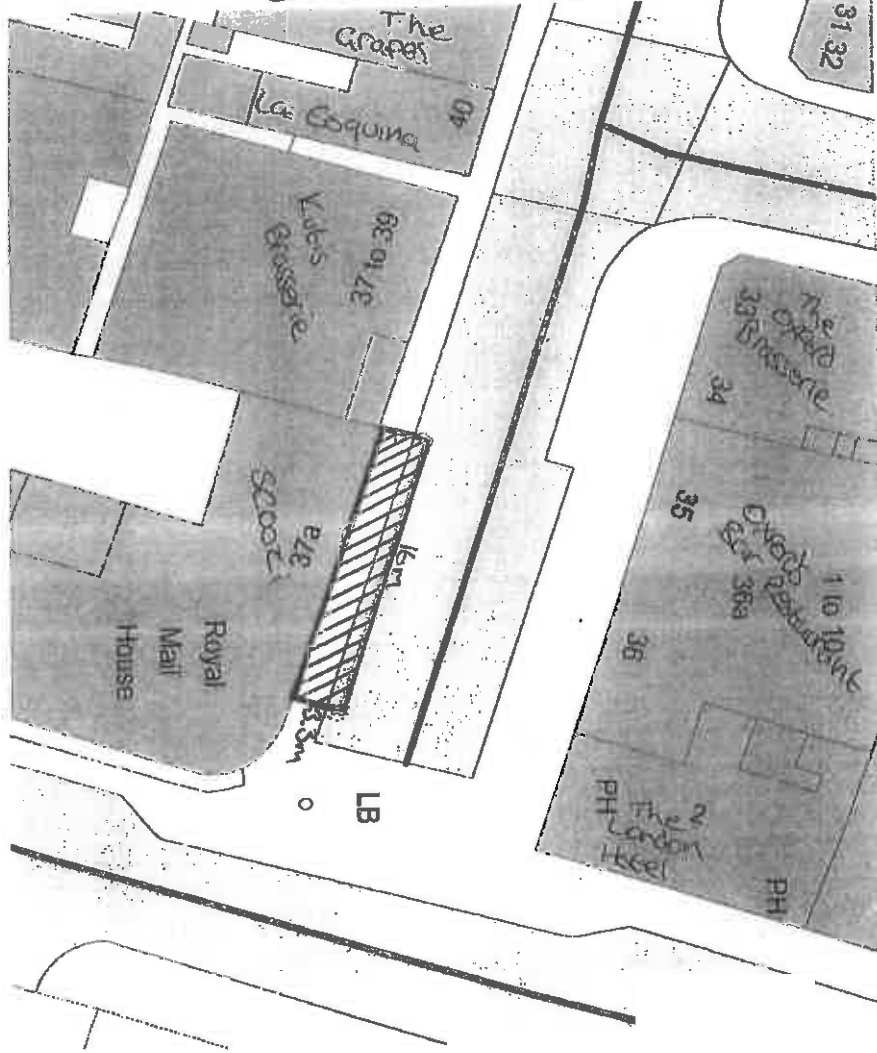
Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the **only** purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display or Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.

- any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
 15. This is the address which we shall use to correspond with you about this application.

Supplemental B. OUTSIDE AREA.



Plan not reproduced to scale.



**Schedule 12
Part A
Premises Licence**

Regulation 33,34

Premises licence number

2019/06417/01SPRD

Part 1 – Premises details

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

Mail Room

37A Oxford Street
Southampton
SO14 3DP

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Live music
Recorded music
Performances of dance
Anything similar to live music, recorded music or performances of dance
Provision of late night refreshment
Supply by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Live music

Monday	09:00 - 00:00
Tuesday	09:00 - 00:00
Wednesday	09:00 - 00:00
Thursday	09:00 - 00:00
Friday	09:00 - 00:00
Saturday	09:00 - 00:00
Sunday	09:00 - 00:00

Recorded music

Monday	09:00 - 00:00
Tuesday	09:00 - 00:00
Wednesday	09:00 - 00:00
Thursday	09:00 - 00:00
Friday	09:00 - 00:00
Saturday	09:00 - 00:00
Sunday	09:00 - 00:00

Performances of dance

Monday	09:00 - 00:00
Tuesday	09:00 - 00:00
Wednesday	09:00 - 00:00
Thursday	09:00 - 00:00
Friday	09:00 - 00:00
Saturday	09:00 - 00:00
Sunday	09:00 - 00:00

Anything similar to live music, recorded music or performances of dance

Monday	09:00 - 00:00
Tuesday	09:00 - 00:00
Wednesday	09:00 - 00:00
Thursday	09:00 - 00:00
Friday	09:00 - 00:00
Saturday	09:00 - 00:00
Sunday	09:00 - 00:00



Provision of late night refreshment

Monday	23:00 - 00:00
Tuesday	23:00 - 00:00
Wednesday	23:00 - 00:00
Thursday	23:00 - 00:00
Friday	23:00 - 00:00
Saturday	23:00 - 00:00
Sunday	23:00 - 00:00



Supply by retail of alcohol

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:00
Saturday	10:00 - 00:00
Sunday	10:00 - 00:00



The opening hours of the premises

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:00
Saturday	10:00 - 00:00
Sunday	10:00 - 00:00



Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Genco Restaurant & Bar Ltd.
44 Elliot Rise
Hedge End
Hampshire
SO30 2RU

Electronic Mail [REDACTED]



Registered number of holder, for example company number, charity number (where applicable)

12055346

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Sebastien Philinne Brousson
[REDACTED]



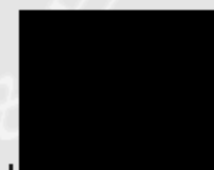
Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence Number: 2007/00540/02SPEN
Licensing Authority: Southampton City Council



This premises licence is issued by Southampton City Council as licensing authority under part 3 of the Licensing Act 2003 and regulations made thereunder

Dated this 14th day of November 2019;



Licensing Manager

Southampton & Eastleigh Licensing Partnership
PO Box 1767
Southampton
SO18 9LA



Annex 1 – Mandatory Conditions

- 1 No supply of alcohol shall be made under the premises licence:
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor for the premises does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 6 The responsible person must ensure that
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7 1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2 For the purposes of the condition set out in paragraph 1 —

(a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) 'permitted price' is the price found by applying the formula —

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence —

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) 'value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

3 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ('the first day') would be different from the permitted price on the next day ('the second day') as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

1 CCTV

A recording CCTV system will be installed and fully operational at all times.

The recording equipment will be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.

A record will be kept of any access made to information held on the system.

The system will be maintained and serviced within at least 12 monthly intervals

The system clock will be checked regularly for accuracy taking account of GMT and BST.

The CCTV system will have sufficient storage capacity for 28 days evidential quality pictures.

Police and authorised Officers of Southampton City Council shall have access to data from the systems quickly and easily.

At all times that licensable activity is performed on the premises, the premises licence holder shall ensure that there is someone on the premises who is able to work the CCTV system and provide a copy to the Police immediately upon request.

The premises licence will not come into effect until the CCTV System has been approved by the Police Licensing Department responsible for the area.

The CCTV must remain satisfactory to police and subject to police approval in order to remain operating under this premises licence.

The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system will be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas.

CCTV warning signs to be fitted in public places.

The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation.

The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.

Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained.

The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i.e. password protected.

There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to police on request when investigating allegations of offences or criminal activity. Any images recovered must be in a viewable format on a disc. Footage supplied in a digital format on CD or DVD will also have a copy of the CCTV system software enabled on the disc to allow playback.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Hampshire Police Licensing Unit within 24 hours.

Training.

The licence holder shall ensure that all members of staff are informed of the objectives of the Licensing Act 2003 and the statutory requirements in order to ensure compliance with all relevant provisions of the Act.

Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training.

All staff will receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training. In addition to their training a written test related to the training given will be conducted before the staff member is permitted to sell or authorise alcohol. The test will consist of a minimum of ten questions of which the pass rate is 80%. Anyone who fails to reach the prescribed pass rate will be retrained and re-tested. Anyone not attaining the pass rate will not be permitted to sell or authorise the sale of alcohol until the pass rate is attained. There will be a minimum of two sets of questions to be used in the training which will be rotated upon each subsequent six month training session.

All training records will be made immediately available for inspection by Hampshire Constabulary and any responsible Authority upon request. Training records will be kept for a minimum period of two years. Training records will be kept on the licensed premises to which they relate to.

Challenge 25

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.

Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.

If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

Refusals Log.

Any incidences of, refusals of service, crime or antisocial behaviour will be recorded in a log book. The Police will have access to this logbook when requested.

The logbook will be provided and maintained at the premises. It will remain on the premises at all times and will be available to police for inspection upon request.

On a weekly basis the logbook will be checked by the manager on duty where any entries will be reviewed and signed. If incidents have occurred the duty manager will de-brief door staff at the close of business.

Food.

Customers shall be able to order a table meal from the full food menu, at all times alcohol is available for sale until 23:00 hours each day.

No Open Containers.

No open containers of alcohol shall be taken outside of the licensable area as defined on the plans, submitted with this premises licence.

Security Officers

On every Friday, Saturday, any Sunday preceding public holidays, and New Years Eve there shall be SIA registered door supervision from 23:00 hours to closing and until all customers have dispersed. On all other occasions when the premises are open for licensable activities there shall be a risk assessment conducted as to whether it is necessary to employ SIA door supervisors. The number of SIA registered door supervisors on duty will also be risk assessed by the licence holder.

Polycarbonate Glasses

A risk assessment will be conducted as to whether it is necessary to deploy polycarbonate glassware at any time. On occasions where it is necessary to deploy polycarbonate glassware, bottled products will always be decanted into polycarbonate glasses where they are not available in PET or aluminium bottles.

Signage

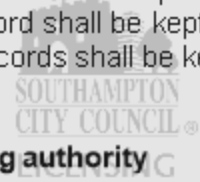
Notices will be displayed asking customers to leave quietly and to respect the local residents.

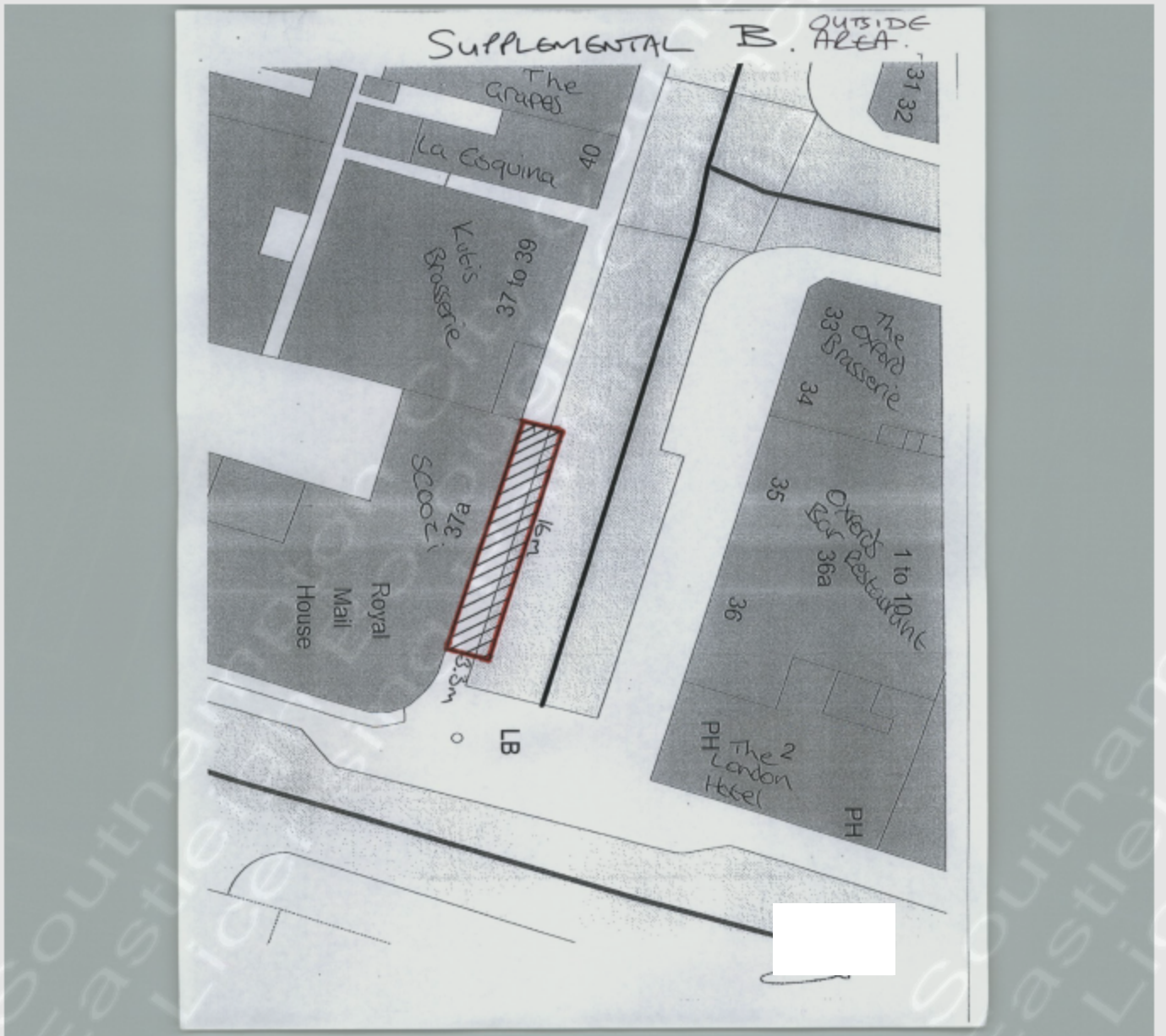
Toilet Checks

The public toilets within the premises shall be checked every 1 hour when the premises are open for licensable activities and every 30 minutes after 2200 hours. A record shall be kept by the premise and presented on request by Hampshire constabulary. Toilet check records shall be kept for a minimum period of 3 months.

Annex 3 – Conditions attached after a hearing by the licensing authority

1 None





Plan not reproduced to scale.

Head, Karen

From: Collymore, Karl
Sent: 19 December 2019 11:53
To: Licensing
Cc: Licensing & Alcohol Harm Reduction Team Mailbox
Subject: RE: Premises Licence Variation for Mail Room 37A Oxford Street Southampton SO14 3DP

To Whom it may concern

The Local Planning Authority wish to make representation in respect of the recent Premises Licence variation application received by the Licensing Authority.

In respect of the Crime and Disorder licensing objective we wish to advise that should the operator open the premises Monday to Saturday after 00:30hrs and after 22:30hrs on a Sunday or Bank Holiday it would be unlawful and a **Breach of Condition Notice** would be served upon the operator for a breach of planning control. The Planning hours are Monday to Saturday 08:00hrs to 00:30hrs and 10:00 to 22:30 on Sundays and Bank Holidays.

Kind regards

Karl

Karl Collymore
Enforcement Supervisor
Southampton City Council

From: Head, Karen
Sent: 19 December 2019 11:22
To: Collymore, Karl
Subject: FW: Premises Licence Variation for Mail Room 37A Oxford Street Southampton SO14 3DP

Hi Karl,

Please see attached. Looks like I missed you by mistake.

Kind Regards

Karen Head
Licensing Officer
Southampton and Eastleigh Licensing Partnership
Southampton City Council

5

Web: www.southampton.gov.uk/licensing
Post: Licensing - Southampton City Council
PO Box1767,Southampton SO18 9LA

From: Head, Karen
Sent: 17 December 2019 16:00

From: [Colin Beaven](#)
To: [Licensing](#)
Subject: RE: Application for licence variation at the Mail Room, ref. 2019/07016/01SPRV
Date: 06 January 2020 10:48:49

CAUTION: This email originated from a non UK Government address. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Mr McGuinness,

Many thanks for your reply to my email about the application from the Mail Room, a new restaurant in Oxford St, to vary its licence so that music can be played till 2 a.m. Thanks too for your guidance about the procedures that relate to licensing decisions.

My address, incidentally, is 5 Oxford Mews, Latimer St, so I live in the immediate vicinity of the bar involved.

I do take the point that 'general noise and disturbance' don't normally carry weight when objections are raised, and I appreciate that rules are rules, but I do struggle when I note that these very criteria prompted the Planning Panel to refuse an application relating to 25 Oxford St last summer.

In considering the published criteria that relate to licensing applications, the Mail Room does seem to be jumping the gun in seeking an extension to 2 a.m., given that it's only just opened, and that it's unclear how well or otherwise the bar is run. Is this an attempt to play the system by getting a foot in the door with a standard license and then leapfrogging procedures before there is any indication of the management's track record, thus denying the licensing team the opportunity to gauge 'evidence of a causal link to specific premises' referred to in the guidelines?

I'm struck that the application seems to raise two distinct issues: late opening and live music. They really merit separate consideration, since the latter would intensify the impact of the former on the local environment.

That said, though, late opening with or without music would allow a domino effect in an area with a high density of bars and restaurants. It would become impossible to deny any subsequent applicant a similar licence once the precedent is set that Oxford St has become an area with nightclubs, and the decision taken by the Planning Panel to reject the plans for 25 Oxford St last year would be undermined at appeal to the planning inspector or in future similar applications.

I welcome the lively leisure facilities on offer in Oxford St, but I have real concerns that this application is the thin end of the wedge, and threatens the nature of the locality. It does in my view constitute a challenge to the four criteria listed as relevant when objections are made to licensing applications.

Oxford St needs to be allowed to preserve its distinctiveness, which is a blend where residents and leisure facilities co-exist; it is not, currently, on a par with the area between London Road and Bedford Place, where issues of public disorder have indeed arisen, sometimes prompting police involvement. I feel that rejecting the application from the Mail Room would help to prevent transformation of Oxford Street's current success into a replica of the over-intrusive and problematic entertainment industry that has been allowed to develop in other areas of the city, and that rejection would be consonant with the criteria within the licensing team's remit.

Yours sincerely

Colin Beaven

5 Oxford Mews

Latimer St

Southampton SO14 3EE

On 30 December 2019 at 14:26 Licensing <Licensing@southampton.gov.uk> wrote:

Dear Mr. Beaven

Application to Vary a Premises Licence

Genco Restaurant & Bar Ltd.

Mail Room 37A Oxford Street Southampton SO14 3DP

I refer to your recent email seeking to make representations to the above application under the Licensing Act 2003.

Having carefully considered your email, it does not appear to be a “relevant representation” within the meaning of the Act because:

- Your home address is not given
- The decision you refer to is a planning application decision for a different premises and does not relate to the above premises.

In the circumstances, unless you can provide further information to clarify the position I am unable to accept your email as a representation which is capable of being considered by the Council in determining this application.

Guidance on making a licensing representation is available on our website at:

<http://www.southampton.gov.uk/business-licensing/licensing/licensing-act-2003/la03-reps.aspx>

Please note the consultation period runs until the 14th January 2020.

Kind regards,

Ian McGuiness

Ian McGuiness

Senior Licensing Officer

Southampton and Eastleigh Licensing Partnership

Southampton City Council

Web: www.southampton.gov.uk/licensing

Post: Licensing - Southampton City Council

PO Box 1767, Southampton. SO18 9LA

From: Colin Beaven []
Sent: 24 December 2019 14:45
To: Licensing <Licensing@southampton.gov.uk>
Subject: Application for licence variation at the Mail Room, ref. 2019/07016/01SPRV

CAUTION: This email originated from a non UK Government address. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Licensing Team,

As a local resident I'd like to object to the current application to vary the terms of the licence at the Mail Room in Oxford St (ref. 2019/07016/01SPRV).

My reasons for wishing to object echo the letter quoted below, written by the city's Planning and Development Manager, Samuel Fox, to Dr Ceylan. Mr Fox's letter, dated 23 July 2019, explains the decision to refuse a similar application made earlier this year in connection with 25 Oxford St.

Mr Fox's letter can be viewed on the following webpage:

https://planningpublicaccess.southampton.gov.uk/online-applications/files/693875BCB7D6D0BDEB9EAA653EC41BF6/pdf/19_00711_FUL-REFULZ_-_REFUSAL_OF_FUL-1286451.pdf

Mr Fox gives Dr Ceylan the following reasons for refusing permission at 25 Oxford St:

01.Reason for Refusal - Noise and disturbance

Whilst the principle of the change of use is supported, the proposed extension to opening hours

would result in an extended late night use. It is considered that the intensification of use into the

early hours of the morning would cause further detriment to the amenities of neighbouring

properties by reason of noise, litter and disturbance caused as patrons leave the premises. The

proposal would be contrary to the particular provisions of AP8 which outlines acceptable limits on

opening hours within the city centre and would set a difficult precedent for further trading that could

lead to additional premises trading after midnight in an area with evidenced problems of late night

disturbance. The proposal would thereby prove contrary to and conflict with 'saved' policies SDP1,

SDP16 and REI7 of the City of Southampton Local Plan Review (amended 2015) and Policy AP8

of the City Centre Area Action Plan (adopted 2015).

02.Reason for Refusal - Lack of Section 106 or unilateral undertaking to secure planning

obligations.

In the absence of a completed Section 106 legal agreement to support the development the

application fails to mitigate against its wider direct impacts in the following areas:

i. Late Night Community Safety Contribution to address the wider implications of late night

uses within the city centre in accordance with 6.5 of the Developer Contributions Supplementary

Planning Document (2013).

ii. CCTV contribution to address the wider implications of late night uses within the city centre

in accordance with 6.5 of the Developer Contributions Supplementary

Planning Document (2013).

It was reassuring to see the interests of the local residents were taken into consideration on that occasion. The concerns voiced in Samuel Fox's letter apply equally to the application from the Mail Room, which should be rejected for reasons of consistency.

Yours sincerely

Colin Beaven

This email is confidential but may have to be disclosed under the Freedom of Information Act 2000, Environmental Information Regulations 2004 or data protection legislation. If you are not the person or organisation it was meant for, apologies, please ignore it, delete it, and notify us. SCC does not make legally binding agreements or accept formal notices/proceedings by email. E-mails may be monitored. This email (and its attachments) is intended only for the use of the person(s) to whom it is addressed, and may contain information that is privileged and/or confidential. If it has come to you in error, you must take no action based on it, nor must you copy or show it to anyone.

From: [Roger Townsend](#)
To: [Licensing](#)
Cc:
Subject: Application Ref: 2019/07016/01SPRV - Oxford Street
Date: 11 January 2020 11:17:35

CAUTION: This email originated from a non UK Government address. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sirs

I understand that the Licensing Committee are about to consider an application to vary the license on the former pizzeria on the corner of Oxford Street and Terminus Terrace, to allow for live music to be played until 02.00 every night of the week. I have only just heard about this and have not had the time to confirm whether this is correct, but if it is I would like to register my OBJECTION to it.

Having lived here for over 30 years, we are still attracted to the cosmopolitan atmosphere of Oxford Street and if anything, wish to encourage it. However, this is still first and foremost a residential area and, of course, in a Conservation Area. Although we would have no objection to the venue being used as a bar, with added music, perhaps to late on a Friday and Saturday, the prospect of loud, often raucous music being played, usually by amateur musicians until 2 o'clock every night would be a serious intrusion on our quality of life. That is not to mention the commotion of excited departing patrons at that time. Having said that, I am also not convinced that there is a commercial demand for such entertainment 360 days a year.

Yours faithfully

Roger Townsend

**8 John Street,
Southampton, SO14 3DR**

From: [Jojoy S](#)
To: [Licensing](#)
Subject: Ref. 2019/070160/01SPVR
Date: 11 January 2020 11:26:51

CAUTION: This email originated from a non UK Government address. Do not click links or open attachments unless you recognise the sender and know the content is safe.

I am contacting you as a longstanding local resident to express my opposition to the Application for Licence Variation at the Mail Room. The Oxford Street area already has a serious problem with noisy drunken behaviour at weekends, and I personally have had to contact both The Grapes and Oxfords about excessive noise from music in the early hours of the morning.

Given that we have a large number of local residents, as well as boutique hotel rooms, allowing music to continue until 2am would be detrimental to the health of residents and the viability of the hotels.

Joyce Stockwell
23 John St
SO14 3DR
Sent from my iPad

From: [Sarah Stannard](#)
To: [Licensing](#)
Subject: Ref: 2019/07016/01SPRV - Application for licence variation at 37A Oxford Street
Date: 13 January 2020 09:59:03

CAUTION: This email originated from a non UK Government address. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam,

I write to object to the proposed licence variation at these premises to extend their opening times until 2am each day and the variation to permit live music, recorded music and dancing until that time.

As a long-term resident in John Street (since 2001) I have sadly noticed an impact in the amount of night-time noise and disruption caused to residents, as the amount of bars in the area has increased in comparison to restaurants, and as the opening hours of premises have been extended. I am resigned to noise associated with the current bars until midnight on Fridays and Saturdays, but I am completely opposed to any business being given 7 day a week licences to midnight and opposed to any licences being granted past midnight.

Night-time noise comes not just from music but also from people making their way home - the amount of drunken shouting and arguments that go on in the street has risen over time as licences have changed and been extended. There is also an impact on local streets with people leaving bottles and cans anywhere in the street and sadly there is also evidence of public urination in quieter corners.

I do not believe that there is any need in the Oxford Street area for extended licensing or indeed for any more bars in this area. The Oxford Street conservation area is predominantly residential and has a number of family sized properties which are valuable to the city in housing families who want to live in the centre. Further changes to bar licensing risk the balance of the area further changing to be only multi-occupancy houses for students, which would be a waste of the properties in this area.

Yours faithfully

Sarah Stannard
20 John Street, SO14 3DR

From: [NICHOLAS INSTONE](#)
To: [Licensing](#)
Subject: Variation of Licence Application: 2019/07016/01SPRV - Mail Room, 37A Oxford Street.
Date: 14 January 2020 15:05:19

CAUTION: This email originated from a non UK Government address. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Nicholas V. Instone
3 Oxford Mews
Latimer Street
Southampton
SO14 3EE

Tel:

14/01 2019

I wish to comment on the Licensing application for variation of the current licence, ref: 2019/07016/01SPRV - Mail Room, 37A Oxford Street; the extension of hours until 02:00 am Monday to Sunday inclusive.

My concern is that allowing such a late licence will cause a public nuisance – principally noise.

Regards

Procedure – Applications etc. under the Licensing Act 2003 or Gambling Act 2005

1. A hearing will be held to decide applications, etc., under the Licensing Act 2003, where there have been relevant representations from one or more of the responsible authorities or other persons. The parties to the hearing will have the chance to be heard. They are also entitled to be helped or represented by another person if due written notice is given in advance.
2. Hearings will take place before a Sub-Committee comprising three members of the Licensing Committee. One of these members will be elected Chair of the Sub-Committee for that hearing.
3. Please note that for day time hearings the Sub-Committee will normally adjourn for lunch at 1:00 p.m. and that comfort breaks will be taken at the discretion of the Chair at appropriate points during the meeting.

Preliminary matters

4. The Chair will introduce those present.
5. The Chair will check whether any of the Sub-Committee members has a “disclosable pecuniary”, “personal” or “pecuniary” interest.
6. The Chair will check whether all the parties are present at the hearing, and if any are not, whether they have told the Council that they do not wish to attend or be represented. If any party who was expected to attend has not done so, the Sub-Committee will decide whether to hold the hearing in that party’s absence, or to adjourn it to another date. Hearings will be adjourned if the Sub-Committee considers this necessary in the public interest, if that is possible. If the Sub-Committee decides to hold the hearing in a party’s absence, they will still consider any written information received.
7. In the case of an application for variation or a new licence, the Sub-Committee’s legal advisor will ask the applicant or their advisor for confirmation that the required public notices have been displayed where they can conveniently be read from the exterior of the premises and that notice was given in a local newspaper within eleven working days of the day on which the application was received by the licensing authority.
8. Normally, hearings will be open to the public. However, the Sub-Committee may exclude the public from the hearing (or part of it) if they think the public interest in doing so outweighs the public interest in having the hearing in public. If the public are excluded, any of the parties to the hearing, and/or anyone helping or representing them, may also be excluded.
9. The Chair will propose a motion that the public and the press be excluded from the hearing while the Sub-Committee considers the matter. Ordinarily the legal advisor and democratic support officer will remain (see paragraph 30 (b) below).
10. The Openness of Local Government Bodies Regulations 2014 provide an entitlement for the public to film, photograph and audibly record (“record”) public meetings. However, by virtue of Schedule 6, paragraph 58 of the Licensing Act 2003 and section 101 (15) of the Local Government Act 1972, Licensing Act 2003 hearings are not covered by the entitlement to film as of right. The Council’s general approach is to encourage openness and transparency in all its dealings and the general presumption is that filming or recording of hearings shall generally be permitted where due notice has been provided in advance of the hearing. Nonetheless the following shall apply:

- i) Filming / recording / photographing hearings shall only be permitted with the express permission of the Chair. Such permission may include restrictions to protect children, vulnerable persons or others that object to being filmed / photographed / recorded.
 - ii) Requests to film / record / photograph should be made with sufficient notice in advance of the hearing. Late requests may not be granted if there shall be a delay to proceedings as a result.
 - iii) Every party to the hearing and any witnesses shall have the opportunity to object and those representations shall be considered by the Sub-Committee.
 - iv) No filming, photography or sound recording shall be permitted of any person under 18 years of age.
 - v) No person shall be put under any pressure to consent to such and no payment for such consent shall be given.
 - vi) The Chair shall have the final say as to whether any filming, photography or recording is allowed (including the extent to which permission is granted e.g. the parts of the meeting, the individuals concerned or the arrangement of the recording equipment).
 - vii) All directions given by the Chair shall be fully complied with and the Chair shall have the absolute discretion to withdraw permission to film, photograph or record in the event the same causes an obstruction or interferes with the general conduct of the hearing, including the impeding of the giving of proper evidence.
11. A party may have asked for someone else to appear at the hearing to make a point or points that may help the Sub-Committee reach a decision. It is up to the Sub-Committee to decide whether that person should be heard, although permission will not be refused unreasonably. Such a person is referred to as a “witness” in this procedure.
12. Where application has been made, in advance of the hearing, that it should be conducted in private (e.g. by the Police in review or summary review proceedings) reports shall be prepared and presented as confidential so that the Committee can make a meaningful determination in accordance with Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 to exclude the press and public. It is important to note that reports presenting Licensing Act 2003 matters are not required to be published in advance. However, certain limited information must be published in accordance with the Licensing Act 2003 (Licensing Authority’s Register) (Other Information) Regulations 2005 and section 8 of the Licensing Act 2003.

13. The Chair will then explain the procedure that will follow.

General information on the conduct of the hearing

14. Each party is entitled to:

- (a) Give further information in response to any point that the Council told them before the hearing they would like clarified;
- (b) With the permission of the Chair, seek clarification on any point by any other party;
- (c) Address the Sub-Committee.

15. Members of the Sub-Committee may also seek clarification of any party or witness.

16. At the Chair’s discretion, the Sub-Committee’s legal advisor may ask any questions he or she thinks are relevant.

17. Unless the Council has requested in advance that a particular point be clarified, new documentary or other evidence may not be submitted for the first time at the hearing, unless all the other parties agree.
18. Members of the Sub-Committee will have read all the papers included in the agenda for the hearing before the hearing starts. The parties are requested not to spend unnecessary time repeating evidence which is already in the papers and which is not disputed.
19. Evidence that is not relevant to the case, or to the promotion of the four licensing objectives, will be disregarded.

Hearing Procedure

20. If any party has asked permission for a witness or witnesses to appear, the Sub-Committee will decide whether they should be heard (see paragraph 10 above).
21. All parties will be allowed a similar (and maximum) amount of time to put their case, and ask questions of other parties, subject to the Chair's discretion to not hear repetitive matters or questions.

The applicant

22. The applicant for the licence (or their representative) or the applicant in review proceedings, may present their case.
23. If the Sub-Committee permits, the applicant may call those witnesses whose names have been provided in advance to support their application.
24. Where a group of witnesses wish to speak in support of the application for similar reasons, one person should, where possible, act as spokesperson for the whole group. The Sub-Committee may reasonably refuse permission for a witness to be heard if their evidence simply repeats points already made.
25. The Chair will invite those making representations to seek clarification on any point made by the applicant. The Chair will decide in which order those making representations will be invited to put their questions.
26. Members of the Sub-Committee or the Legal Advisor, if so permitted by the Chair, may also seek clarification of the applicant or any of their witnesses.

The representations

27. Where there is more than one person making a representation, the Chair will decide the order in which they may put their case. If there is a representation from one or more of the responsible authorities, their representatives will normally be invited to put their case first.
28. The following procedure will apply to each person making a representation in turn:-
 - (a) The person making a representation (or their representative) may present their case.
 - (b) If the Sub-Committee permits, the person making a representation may call those witnesses whose names have been provided in advance to support their objection.
 - (c) Where a group of witnesses wish to speak in support of the objection for similar reasons, where possible, one person should act as spokesperson for the whole group. The Sub-Committee may reasonably refuse permission for a witness to be heard if their evidence simply repeats points already made.

(d) The Chair will invite the applicant to seek clarification on any points made by those making representations.

(e) Members of the Sub-Committee or the Legal Advisor, if so permitted by the Chair, may seek clarification of those making representations or any witnesses.

Summing up

29. The Chair will invite each person making a representation to make a final statement or sum up their case.

30. The Chair will invite the applicant to make a final statement or sum up their case.

Sub-Committee's decision

31.

(a) At the end of the hearing the Sub-Committee will move to private session whilst it considers the matter.

(b) The Sub-Committee's legal advisor will remain to provide legal advice and the democratic services officer will remain to record the decision. Details of any legal advice will be recorded and referenced in the decision and reasons.

(c) The parties will be invited to wait to be informed of the outcome.

(d) As soon as the decision is reached, the public and press will be invited to return to the room in which the hearing took place, and the Chair will announce the decision and the reasons for it.

(e) If a room is available, the Committee may retire to deliberate and make its decision

(f) All parties will be formally notified in writing of the decision and reasons as soon as possible.

In most cases the Sub-Committee will announce the decision at the conclusion of the hearing. In certain cases where this is not possible due to time constraints (and the Hearings Regulations permit – Regulation 26 (1) sets out those hearings where delay is not possible) the decision shall be made within 5 working days beginning with the day of the hearing or the last day of the hearing.