
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 28 JULY 2011

Present: Councillors Cunio, Drake and Parnell

12. **ELECTION OF CHAIR**

RESOLVED that Councillor Parnell be appointed as Chair for the purposes of the meeting.

COUNCILLOR PARNELL IN THE CHAIR

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

RESOLVED that the minutes of the meetings held on 2 June 2011 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

14. **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the press and public be excluded at a predetermined point whilst the Sub-Committee reach its decisions.

15. **APPLICATION TO VARY A PREMISES LICENCE - REVOLUTION, 28A BEDFORD PLACE, SOUTHAMPTON, SO15 2DB**

The Sub-Committee considered an application for a variation of a premises licence in respect of Revolution, 28A Bedford Place, Polygon, Southampton, SO15 2DB. (Copy of report circulated with agenda and appended to signed minutes).

Mr A Lyons (Solicitor on behalf of the Applicant) and Mrs W Hunt (Local resident / objector) were present and with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with Licensing Act 2003 (Hearings) Regulations 2005.

RESOLVED

- (i) that the application to vary a premises licence in respect of Revolution, 28A Bedford Place, Polygon, Southampton, SO15 2DB be granted, as set out in the report, subject to the mandatory conditions contained within the Licensing Act 2003, the conditions relating to the statutory licensing objectives as are deemed necessary and consistent with the operation schedule as follows:-
- (a) the permitted hours of operation in respect of Section E (Live Music) permit live music (in the form of DJ's) on the roof terrace between 11 am to 10.30 pm daily;
 - (b) the permitted hours of operation in respect of Section F (Recorded Music) permit recorded music (in the form of DJ's) on the roof terrace between 11 am to 10.30 pm daily;
 - (c) the permitted hours of operation in respect of Section I (Provision of facilities for making music) permit the provision of facilities for making music (in the form of DJ's) on the roof terrace between 11 am to 10.30 pm daily;

- (d) the permitted hours of operation in respect of Section M (supply of alcohol) permit the sale of alcohol on the roof terrace between 11 am and midnight daily; and
- (e) the permitted hours of operation in respect of Section O (hours premises are open to the public) permit the use of the roof terrace until 00.30 daily.

It should be noted that the amendments to the operation schedule listed above are for the roof area only. The hours of operation for inside the premises remain unchanged.

- (ii) that the following condition be added to the licence:
 - (a) any amplified sound from or on the roof terrace shall be passed through a sound limiting device with the level to be set and maintained to the satisfaction of Environmental Health.

REASONS FOR DECISION

The Sub-Committee carefully considered all representations made by the applicant and local residents, both written and given orally, and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted Statement of Licensing Policy.

The Sub-Committee determined that despite being within an area identified by the Cumulative Impact Policy the proposed variation was not “substantial” and as a result the rebuttable presumption did not apply.

It was noted that the applicant had engaged in talks with Responsible Authorities prior to making the application and that in light of amendment and proposed measures no objection had been made, particularly by Environmental Health.

It was accepted that the proposed variation would not lead to additional numbers or an overall extension to the opening hours of the premises. It was felt that the operation schedule and additional condition would satisfactorily address residents concerns with regards additional or increased nuisance. This was felt to be borne out by the successful use of 8 Temporary Event Notices previously.

Human Rights legislation had been taken into account whilst making the decision and it was felt that the licence as granted represented a fair balance between the applicant and interested parties.

Residents should be reassured by the strong powers of review set out in the Act and that should the variation lead to problems in the future then the licence could be reconsidered.