

# Licensing (Licensing and Gambling) Sub-Committee

Wednesday, 6th January, 2021  
at 4.00 pm

**PLEASE NOTE TIME OF MEETING**

Virtual Meeting

This meeting is open to the public

## **Members**

Three Members drawn from the Licensing Committee

## **Contacts**

Democratic Support Officer  
Maria McKay  
Email: [maria.mckay@southampton.gov.uk](mailto:maria.mckay@southampton.gov.uk)

Executive Director Communities, Culture & Homes  
Mary D'Arcy  
Tel: 023 8083 4611  
Email: [mary.d'arcy@southampton.gov.uk](mailto:mary.d'arcy@southampton.gov.uk)

## **PUBLIC INFORMATION**

The Members of the Licensing Committee are Councillors Bunday, G Galton, B Harris, Kataria, Laurent, McEwing, Noon, Renyard, Spicer, and Streets.

### **Terms of Reference**

The Sub-Committee deals with licences for which the Council is responsible under the Licensing Act 2003 and Gambling Act 2005, including:-

- Determination of applications for review of premises licences and club premises certificates;
- Determination of representations to applications for premises licences and club premises certificates, variations and various permits;
- Determination of police objections to applications for:
  - Variation of designated premises supervisors
  - Transfer of premises licences
  - Personal licences for the sale of alcohol
- Determination of objections to temporary event notices.

### **Relevant Representations**

Those who have made relevant representations may address the meeting about the matter in which they have an interest. New matters, not raised within a written representation, can not be relied upon at the hearing.

**When dealing with Licensing Act matters the Sub-Committee must only take into account the following statutory Licensing Objectives:-**

- prevention of crime and disorder
- public safety
- prevention of public nuisance
- protection of children from harm

**Likewise, when dealing with Gambling Act matters the Sub Committee must only take into account the statutory Licensing Objectives below:-**

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

Southampton: Corporate Plan 2020-2025 sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

**Fire Procedure:-** In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

**Access:-** Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

**Smoking policy:-** The Council operates a no-smoking policy in all civic buildings.

**Mobile Telephones:-** Please switch your mobile telephones to silent whilst in the meeting

**Use of Social Media:-** The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting. By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public. Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so. Details of the Council's Guidance on the recording of meetings is available on the Council's website.

### **Dates of Potential Meetings Municipal Year 2020/21**

Meetings are scheduled on a weekly basis usually at 4pm on a Wednesday evening.

## CONDUCT OF MEETING

### **Terms of Reference**

The terms of reference are contained in the Council's Constitution.

### **Business to be discussed**

Only those items listed on the attached agenda may be considered at this meeting.

### **Rules of Procedure**

The meeting is governed by the Licensing Act 2003 (Hearings) Regulations 2005 and the Council Procedure Rules as set out in Part 4 of the Constitution, so far as it is applicable.

### **Quorum 3**

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

## **DISCLOSURE OF INTERESTS**

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

### **DISCLOSABLE PECUNIARY INTERESTS**

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

## **Other Interests**

A Member must regard himself or herself as having an 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

## **Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

## AGENDA

### 1 **ELECTION OF CHAIR**

To appoint a Chair for the purposes of this meeting.

### 2 **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

To note any changes in the membership of the Sub-Committee made in accordance with the Licensing Act 2003.

### 3 **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

### 4 **STATEMENT FROM THE CHAIR**

### 5 **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)** (Pages 1 - 4)

To approve and sign as a correct record the Minutes of the meeting held on 16 December 2020, and to deal with any matters arising, attached.

### 6 **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

At a predetermined point during the consideration of all items the Sub-Committee may 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 the Licensing Act 2003 (Hearings) Regulations 2005, will be invited to return immediately following that private session at which time the matter will be determined and the decision of the Sub-Committee will be announced.

### 7 **APPLICATION FOR NEW PREMISES LICENCE-ONE OXFORD, 1 OXFORD STREET, SOUTHAMPTON SO14 3DJ** (Pages 5 - 52)

Application for a New Premises Licence in respect of One Oxford, 1 Oxford Street, Southampton SO14 3DJ

Monday, 28 December 2020

Executive Director Communities, Culture & Homes

This page is intentionally left blank

---

SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 16 DECEMBER 2020

---

Present: Councillors Bunday, McEwing and Noon

24. **ELECTION OF CHAIR**

In accordance with S.14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005, the hearing was held using video conferencing and the public were able to view a live stream of the proceedings using a web link published on the council website. This was in the interest of public safety given the isolation restrictions imposed by the Prime Minister as a result of the public health risks due to the Coronavirus or Covid-19. As a result, the Council offices were closed to the public and this licensing sub-committee was held remotely with parties to the hearing participating by way of conference call.

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

25. **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

**RESOLVED** that none were noted.

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

**RESOLVED** that the minutes of the meeting held on 4 November 2020 be approved and signed as a correct record.

27. **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. Following that private session, at which time the matter would be determined, written confirmation of the decision of the Sub-Committee would be distributed to all parties to the hearing.

28. **APPLICATION FOR REVIEW OF PREMISES LICENCE - GATEHOUSE GRILL AT KUTI'S ROYAL PIER, ROYAL PIER, TOWN QUAY SOUTHAMPTON SO14 3DJ**

The Sub-Committee considered the report of the Service Director – Communities, Culture and Homes for an application for review of a premises licence in respect of Gatehouse Grill at Kuti's Royal Pier, Royal Pier, Town Quay Southampton SO14 3DJ.

The Sub-Committee has considered very carefully the application of Hampshire Constabulary for the review of the premises licence under the Licensing Act 2003, as supported by the Director of Public Health.

In addition, the representations by all the parties present at the hearing, and written representations also, were fully taken into consideration. As was video and photographic evidence provided by Hampshire Constabulary.

The review relates to a breach of the Health Protection (Coronavirus Restrictions) Regulations 2020.

The review 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, in conjunction with the Crime and Disorder Act 1998 Section 17, The Human Rights Act 1998, The Equality Act 2010 and have been considered whilst making the decision.

The Sub-Committee considered the four licensing objectives when making its decision. The Licensing Objectives are:-

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children

The Sub-Committee has considered all the options set out in section 53B of the Licensing Act 2003 (namely):

- modification of the current conditions of the premises licence
- exclusion of the sale of alcohol from the current permissions of the premises licence
- removal of the designated premises supervisor from the licence
- suspension of the licence.
- Revocation

The application for review brought by the Police was supported by the Director of Public Health. The Sub-Committee heard from Mr Justin Gau for the Licence Holder, PC Swallow, and Ms Head for the Licensing Authority.

Due regard has been given to the provisions of the Licensing Act 2003, including the statutory licensing objectives, the statutory guidance and the City Council's adopted statement of licensing policy. Human rights legislation has been borne in mind.

The Sub-Committee also noted that during the hearing wording for any CCTV condition that might be imposed was agreed.

In light of all of the above the Sub-Committee has determined to:

- Impose a CCTV condition in the terms agreed in the hearing
- Remove Mr Kuti Miah as DPS
- Suspend the Premises Licence for a period of two months



**Reasons:**

The Sub-Committee was concerned that this was a very serious breach of Coronavirus legislation and placed many people at risk.

The Sub-Committee thought long and hard about its decision and very seriously considered revoking the licence.

Allowing the event to take place on 26<sup>th</sup> October 2020, was a criminal offence and the Sub-Committee was unimpressed by Mr Miah's lies to the police and lack of cooperation. This event included a wide age range of attendees some of whom were likely to have been in a higher risk group of Covid transmission.

From the evidence in the bookings ledger there appeared to be other bookings which would have breached the regulations. There was evidence from the video footage that other events in breach of the regulations had taken place.

The Sub-Committee was of the view that this demonstrated a failure to promote the Crime and Disorder licensing objective. The actions also placed members of the public at risk of Covid transmission, which impacts the public safety objective.

In view of this the Sub-Committee felt that a two-month suspension together with the removal of Mr Miah as DPS and a CCTV condition was a reasonable and proportionate response.

There is a right of appeal for any party to the Magistrates' Court. All parties will receive written notification of the decision with reasons which will set out that right in full.

This page is intentionally left blank

# Agenda Item 7

**DECISION-MAKER** LICENSING (LICENSING & GAMBLING) SUB COMMITTEE

**SUBJECT** HEARING TO CONSIDER AN APPLICATION FOR GRANT OF A PREMISES LICENCE – **One Oxford 1 Oxford Street Southampton SO14 3DJ**

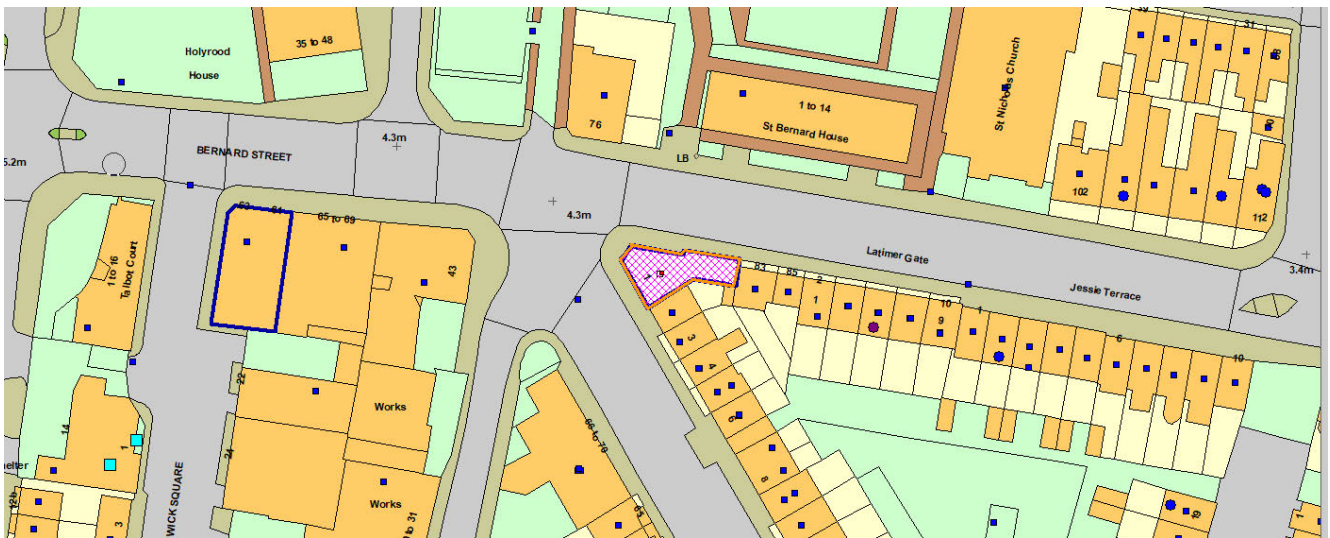
**DATE OF HEARING** Wednesday 6<sup>th</sup> January 2021 16.00

**REPORT OF** SERVICE DIRECTOR – COMMUNITIES,CULTURE AND HOMES

**E-mail** licensing@southampton.gov.uk

Application Date : 12th November 2020 Application Received 12th November 2020

Application Valid : 12th November 2020 Reference : **2020/03834/01SPRN**



© Crown copyright and database rights 2014 Ordnance Survey 100019679

## ***Representations from Responsible Authorities***

Responsible Authority	Satisfactory?
Safeguarding Children	No Response
Fire Service	Satisfactory
Environmental Health - Licensing	No Response
Home Office	

Building Control	No Response	
Public Health Manager	No Response	
Police - Licensing	Pre-Agreed Conditions	
Trading Standards	No Response	
<b>Other Representations</b>		
<b>Name</b>	<b>Address</b>	<b>Contributor Type</b>
Mr. Colin Beaven	5 Oxford Mews Latimer Street Southampton SO14 3EE	<b>Resident</b>
Mrs Victoria Finney	5 Oxford Street Southampton SO14 3DJ	<b>Resident</b>
Mr Daniel Hope	10 Oxford Street Southampton SO14 3DJ	<b>Resident</b>
Ms. Sue Mccarthy	18 Oxford Street Southampton SO14 3DJ	<b>Resident</b>
Dr A Tropanis	9A Oxford Street Southampton SO14 3DJ	<b>Resident</b>
Mr Paul Hooper	30-31 Orchard Place Southampton SO14 3PE	<b>Resident</b>
Miss Victoria Palmer	10 Oxford Street Southampton SO14 3DJ	<b>Resident</b>

## **Legal Implications**

The legislation specifically restricts the grounds on which the sub-committee may refuse an application for grant of a premises licence or impose conditions. The legislation provides for a presumption of grant of an application for 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

An application may be refused in part and thereby only permit some of the licensable activities sought.

An applicant for grant 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.

In considering this application the sub-committee is 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 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.

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 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.

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

## **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.

**SUMMARY**

<b>Applicant</b>	<i>Sonia Hotels &amp; Leisure Ltd.</i>
<b>Designated Premises Supervisor</b>	Richard William Baker

<b>Licensable Activities.</b>	
Live music	
Monday	12:00 - 23:00
Tuesday	12:00 - 23:00
Wednesday	12:00 - 23:00
Thursday	12:00 - 23:00
Friday	12:00 - 23:00
Saturday	12:00 - 23:00
Sunday	12:00 - 23:00
Performances of dance	
Monday	12:00 - 23:00
Tuesday	12:00 - 23:00
Wednesday	12:00 - 23:00
Thursday	12:00 - 23:00
Friday	12:00 - 23:00
Saturday	12:00 - 23:00
Sunday	12:00 - 23:00
Provision of late night refreshment	
Monday	23:00 - 02:00
Tuesday	23:00 - 02:00
Wednesday	23:00 - 02:00
Thursday	23:00 - 02:00
Friday	23:00 - 02:00
Saturday	23:00 - 02:00
Sunday	23:00 - 02:00
Supply by retail of alcohol	
Monday	12:00 - 02:00
Tuesday	12:00 - 02:00
Wednesday	12:00 - 02:00
Thursday	12:00 - 02:00
Friday	12:00 - 02:00
Saturday	12:00 - 02:00
Sunday	12:00 - 02:00

## Conditions consistent with the operating Schedule

### CCTV

A colour recording CCTV system that captures images from the main public areas must be fully operational whilst licensable activities are taking place.

The system shall be able to cope with all levels of illumination. The recording equipment shall be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.

The system shall be serviced at 12 monthly intervals and maintained to a standard that is acceptable to the Police licensing department responsible for the area. The system clock shall be checked regularly for accuracy taking account of GMT and BST.

Digital systems shall have sufficient storage capacity for 28 days evidential quality recordings (minimum 4 frames per second). The images produced shall be date and time stamped.

A notice shall be displayed at the entrance to the premises advertising that CCTV is in operation.

An additional recording CCTV camera shall be installed and fully operational while the venue is open to the public to cover the area immediately outside the premises.

It is important that the Police are able to access data from the systems quickly and easily and therefore provision shall be made that at all times a person is in attendance who is nominated by the data controller who has access to the secure area who is able to operate the equipment. Ensure all operators receive training from the installer when the equipment is installed and that this is cascaded down to all nominated staff.

Have a simple operators manual available to assist in replaying and exporting data (particularly important with digital systems) and to produce images to the Police responsible authority for the purpose of the prevention and detection of crime as long as the request is lawful and complies with GDPR.

In the event of a technical failure of the CCTV equipment, the premises licence holder or DPS shall notify the Police Licensing department responsible for the area within 24 hours. The Police will supply a 24 hour contact number for reporting such faults.

The premises licence holder will ensure that a CCTV system is fully compliant with the guidance contained in the Information Commissioners Office (ICO). Guidance document ([www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)) regarding installation of the CCTV is provided at the premises.

### Training

A training package shall be in place in order for all staff involved with the sale or supply of alcohol to be sufficiently trained in licensing matters proportionate to their role and aware of their responsibilities. Particular attention should be paid to underage sales/ID verification, the refusal of alcohol sales to drunk persons, proxy sales and identifying potentially vulnerable persons.

Records shall be kept of this training, dated and signed by the staff member and trainer for a minimum of 12 months. This training must be made available for inspection by the Police and other responsible authorities. A written record shall be retained at each bar to show the staff that have been authorised to sell alcohol. This shall also be made available to the Police and other responsible authorities on request.

### Age Verification

The premises licence holder shall ensure that a system is in place to ensure that every individual who appears to be under 25 years of age seeking to purchase or be supplied with alcohol at or from the premises, shall produce acceptable means of identification and age confirmation. Acceptable identification shall be a passport, photo driving licence or PASS accredited photo ID. 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.

### Refusal/Incident Log

The premises licence holder shall ensure that a refusal book/incident log is maintained at the premises. These records shall be retained for a minimum of 1 year and be made available to the Police and other responsible authorities upon request.

### SIA Security

The premises licence holder shall ensure that a minimum of one (1) Security Industry Authority (SIA) registered staff will be on duty at the premises from 21.00 hours to close on Thursday, Friday and Saturday evenings.

In addition, the duty manager should make a dynamic risk assessment of the premises circumstances at the venue and the number of SIA Door Supervisors increased where circumstances dictate. (general example but numbers, days and times to fit requirements). SIA staff will remind patrons to leave the vicinity quickly and quietly.

### Bottle Disposal

No disposal of waste bottles into external waste receptacles between 23.00 and 08.00 hours.

### Notices

Prominent, clear notices shall be displayed at all exit points to advise customers to think of local residents and leave the premises quietly.

### Alcohol

Any Beer or Cider offered in the premises will be limited to 6% ABV

Most of the above conditions were agreed with Hampshire Constabulary prior to the application being submitted.

### **Included in report**

Application Form

Plan

Police Pre-Agreed Conditions

7 Public Representations

Licensing statement policy

Hearing Procedure





Licensing Team, Southampton City Council, Civic Centre,  
Southampton, SO14 7LY.

**Application for a premises licence to be granted  
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 SONIA HOTELS & LEISURE LIMITED

*(Insert name(s) of applicant)*

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description			
ONE OXFORD 1 OXFORD STREET			
Post town	SOUTHAMPTON	Postcode	SO14 3DJ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£20250

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as      Please tick as appropriate

- |  |                                     |                             |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals *                    | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *               |                                     |                             |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability)   | <input type="checkbox"/>            | please complete section (B) |
| iii as an unincorporated association or              | <input type="checkbox"/>            | please complete section (B) |
| iv other (for example a statutory corporation)       | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                                 | <input type="checkbox"/>            | please complete section (B) |

Licensing Team, Southampton City Council, Civic Centre,  
Southampton, SO14 7LY.

- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or   
a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/> Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

Licensing Team, Southampton City Council, Civic Centre,  
Southampton, SO14 7LY.

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality					
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name SONIA HOTELS AND LEISURE LIMITED
Address 1 OXFORD STREET SOUTHAMPTON SO14 3DJ
Registered number (where applicable) 12255598
Description of applicant (for example, partnership, company, unincorporated association etc.) LIMITED COMPANY
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

Licensing Team, Southampton City Council, Civic Centre,  
Southampton, SO14 7LY.

When do you want the premises licence to start?

DD	MM	YYYY
06	12	2020

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

VACANT RESTAURANT PREMISES. A CHANGE OF USE PLANNING APPLICATION HAS ALSO BEEN SUBMITTED TO APPLY FOR THE APPROPRIATE PERMISSION OF RESTAURANT & COCKTAIL BAR. THE CAPACITY OF THIS GROUND FLOOR PREMISES IS UNDER 100 PERSONS INCLUDING STAFF.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

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)

X

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

X

**In all cases complete boxes K, L and M**

Licensing Team, Southampton City Council, Civic Centre,  
Southampton, SO14 7LY.

A

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Wed					
Thur			<b><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</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

Licensing Team, Southampton City Council, Civic Centre,  
Southampton, SO14 7LY.

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
<b>Wed</b>			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Thur					
<b>Fri</b>			<b>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</b> (please read guidance note 6)		
Sat					
Sun					

Licensing Team, Southampton City Council, Civic Centre,  
Southampton, SO14 7LY.

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
Thur			<b><u>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</u></b> (please read guidance note 6)
Fri			
Sat			
Sun			



Licensing Team, Southampton City Council, Civic Centre,  
Southampton, SO14 7LY.

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)		
Wed					
Thur			<b>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</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

Licensing Team, Southampton City Council, Civic Centre,  
Southampton, SO14 7LY.

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	X
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	12.00	23.00	<b>Please give further details here</b> (please read guidance note 4) <b>AMPLIFIED LIVE JAZZ TYPE MUSIC WILL BE OFFERED</b>	Both	<input type="checkbox"/>
Tue	12.00	23.00			
Wed	12.00	23.00	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Thur	12.00	23.00			
Fri	12.00	23.00	<b>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</b> (please read guidance note 6)		
Sat	12.00	23.00			
Sun	12.00	23.00			

Licensing Team, Southampton City Council, Civic Centre,  
Southampton, SO14 7LY.

F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 4)  THE MUSIC WILL BE APPROPRIATE BACKGROUND MUSIC AND IN ADDITION THERE WILL BE DJ PROVIDED MUSIC ON SELECTED NIGHTS.  <b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)  <b><u>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</u></b> (please read guidance note 6)		
Mon	12.00	02.00			
Tue	12.00	02.00			
Wed	12.00	02.00			
Thur	12.00	02.00			
Fri	12.00	02.00			
Sat	12.00	02.00			
Sun	12.00	02.00			

Licensing Team, Southampton City Council, Civic Centre,  
Southampton, SO14 7LY.

**G**

Performances of dance Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	X
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	12.00	23.00	<b>Please give further details here</b> (please read guidance note 4)  THERE WILL BE PERFORMANCES OF ETHNIC TYPE DANCING EG BELLY DANCING		
Tue	12.00	23.00			
Wed	12.00	23.00	<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
Thur	12.00	23.00			
Fri	12.00	23.00	<b>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</b> (please read guidance note 6)		
Sat	12.00	23.00			
Sun	12.00	23.00			

Licensing Team, Southampton City Council, Civic Centre,  
Southampton, SO14 7LY.

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 4)		
Wed					
Thu			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)		
Fri					
Sat			<b>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</b> (please read guidance note 6)		
Sun					

Licensing Team, Southampton City Council, Civic Centre,  
Southampton, SO14 7LY.

I

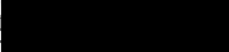
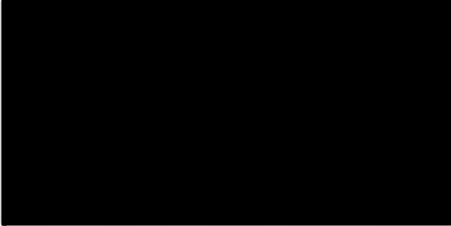
Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	X
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23.00	02.00	<b>Please give further details here</b> (please read guidance note 4) <b>HOT MEALS WILL NOT BE PROVIDED AFTER 01.30 ALTHOUGH HOT BEVERAGES WILL STILL BE AVAILABLE</b>		
Tue	23.00	02.00			
Wed	23.00	02.00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Thur	23.00	02.00			
Fri	23.00	02.00	<b>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</b> (please read guidance note 6)		
Sat	23.00	02.00			
Sun	23.00	02.00			

Licensing Team, Southampton City Council, Civic Centre,  
Southampton, SO14 7LY.

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption</b> = <b>please tick</b> (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	12.00	02.00			
Tue	12.00	02.00			
Wed	12.00	02.00			
Thur	12.00	02.00			
Fri	12.00	02.00			
Sat	12.00	02.00			
Sun	12.00	02.00			
			<b>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</b> (please read guidance note 6)		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

Name	RICHARD WILLIAM READ BAKER
Date of birth	
Address	
Personal licence number (if known)	06/00644/LAPER - 00248
Issuing licensing authority (if known)	MALDON DISTRICT COUNCIL

Licensing Team, Southampton City Council, Civic Centre,  
Southampton, SO14 7LY.

□□□□

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 9).

NONE

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	
Mon	12.00	02.00	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6)
Tue	12.00	02.00	
Wed	12.00	02.00	
Thur	12.00	02.00	
Fri	12.00	02.00	
Sat	12.00	02.00	
Sun	12.00	02.00	



Licensing Team, Southampton City Council, Civic Centre,  
Southampton, SO14 7LY.

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

1. A training package shall be in place in order for all staff involved with the sale or supply of alcohol to be sufficiently trained in licensing matters proportionate to their role and aware of their responsibilities. Particular attention should be paid to underage sales / ID verification, the refusal of alcohol sales to drunk person, proxy sales and identifying potentially vulnerable persons.
2. Records shall be kept of this training, dated and signed by the staff member and trainer for a minimum of 12 months. This training must be made available for inspection from Police and other responsible authorities during and after the festival. A written record shall be retained at each bar to show the staff that have been authorised to sell alcohol. This shall also be made available to the Police and other responsible authorities on request.
3. A colour recording CCTV system that captures images from the main public areas must be fully operational whilst licensable activities are taking place.
4. The system shall be able to cope with all levels of illumination. The recording equipment shall be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.
5. The system shall be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area. The system clock shall be checked regularly for accuracy taking account of GMT and BST.
6. Digital systems shall have sufficient storage capacity for 28 days evidential quality recordings (minimum 4 frames per second). The images produced shall be date and time stamped.
7. A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.
8. An additional recording CCTV camera shall be installed and fully operational whilst the venue is open to the public to cover the area immediately outside the front of the premises.
9. It is important that the Police are able to access data from the systems quickly and easily and therefore provision shall be made that at all times a person is in attendance who is nominated by the data controller who has access to the secure area who is able to operate the equipment. Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of nominated staff.
10. Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems) and to produce images to the police responsible authority for the purpose of the prevention and detection of crime as long as the request is lawful and complies with the GDPR.
11. In the event of a technical failure of the CCTV equipment, the premises licence holder or DPS shall notify the police licensing department responsible for the area within 24 hours. The Police will supply a 24 hour contact number for reporting such calls.
12. The Premises Licence Holder will ensure that a CCTV system is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document ([www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)) regarding installation of CCTV is provided at the premises.

Licensing Team, Southampton City Council, Civic Centre,  
Southampton, SO14 7LY.

13. The premises licence holder shall ensure that a system is in place to ensure that every individual who appears to be under 25 years of age seeking to purchase or be supplied with alcohol at or from the premises, shall produce acceptable means of identification and age confirmation. Acceptable identification shall be a passport, photo driving licence or PASS accredited photo ID. 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.
14. The premises licence holder shall ensure that a refusals book / incident book or log is maintained at the premises. These records shall be retained for a minimum of 1 year and be made available to the Police and other responsible authorities upon request.
15. The premises licence holder shall ensure that a minimum of one (1) Security Industry Authority (SIA) registered Security staff will be on duty at the premises from 21:00 hours to close on Thursday, Friday and Saturday evenings.
16. In addition, the duty manager should make a dynamic risk assessment of the premises circumstances at the time based on customers or the type of function at the venue and the number of SIA Door Supervisors increased where circumstances dictate. (general example but numbers, days & times to fit requirements). SIA staff will remind patrons leave the vicinity quickly and quietly.
17. No disposal of waste bottles into external waste receptacles between 23.00 & 08.00 hours.
18. All sales of food and beverage will be by waiter service to the patrons table.
19. Any Beer or cider offered in the premises will be limited to 6% ABV.
20. Prominent, clear notices shall be displayed at all exit points to advise customers to respect the needs of the local community and of acceptable behaviour in public spaces when leaving the premises.
21. A dispersal plan will be drawn up to manage patrons leaving the premises prior to the terminal hour.

**b) The prevention of crime and disorder**

1. A colour recording CCTV system that captures images from the main public areas must be fully operational whilst licensable activities are taking place.
2. The system shall be able to cope with all levels of illumination. The recording equipment shall be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.
3. The system shall be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area. The system clock shall be checked regularly for accuracy taking account of GMT and BST.
4. Digital systems shall have sufficient storage capacity for 28 days evidential quality recordings (minimum 4 frames per second). The images produced shall be date and time stamped.
5. A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.

Licensing Team, Southampton City Council, Civic Centre,  
Southampton, SO14 7LY.

6. An additional recording CCTV camera shall be installed and fully operational whilst the venue is open to the public to cover the area immediately outside the front of the premises.
7. It is important that the Police are able to access data from the systems quickly and easily and therefore provision shall be made that at all times a person is in attendance who is nominated by the data controller who has access to the secure area who is able to operate the equipment. Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of nominated staff.
8. Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems) and to produce images to the police responsible authority for the purpose of the prevention and detection of crime as long as the request is lawful and complies with the GDPR.
9. In the event of a technical failure of the CCTV equipment, the premises licence holder or DPS shall notify the police licensing department responsible for the area within 24 hours. The Police will supply a 24 hour contact number for reporting such calls.
10. The Premises Licence Holder will ensure that a CCTV system is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document ([www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)) regarding installation of CCTV is provided at the premises.
11. The premises licence holder shall ensure that a refusals book / incident book or log is maintained at the premises. These records shall be retained for a minimum of 1 year and be made available to the Police and other responsible authorities upon request.
12. The premises licence holder shall ensure that a minimum of one (1) Security Industry Authority (SIA) registered Security staff will be on duty at the premises from 21:00 hours to close on Thursday, Friday and Saturday evenings.
13. In addition, the duty manager should make a dynamic risk assessment of the premises circumstances at the time based on customers or the type of function at the venue and the number of SIA Door Supervisors increased where circumstances dictate. (general example but numbers, days & times to fit requirements). SIA staff will remind patrons leave the vicinity quickly and quietly.
14. Any Beer or cider offered in the premises will be limited to 6% ABV.

Licensing Team, Southampton City Council, Civic Centre,  
Southampton, SO14 7LY.

**c) Public safety**

1. A dispersal plan will be drawn up to manage patrons leaving the premises prior to the terminal hour.

**d) The prevention of public nuisance**

1. No disposal of waste bottles into external waste receptacles between 23.00 & 08.00 hours.
2. All sales of food and beverage will be by waiter service to the patrons table.
3. Prominent, clear notices shall be displayed at all exit points to advise customers to respect the needs of the local community and of acceptable behaviour in public spaces when leaving the premises.
4. A dispersal plan will be drawn up to manage patrons leaving the premises prior to the terminal hour.

**e) The protection of children from harm**

1. A training package shall be in place in order for all staff involved with the sale or supply of alcohol to be sufficiently trained in licensing matters proportionate to their role and aware of their responsibilities. Particular attention should be paid to underage sales / ID verification, the refusal of alcohol sales to drunk person, proxy sales and identifying potentially vulnerable persons.
2. Records shall be kept of this training, dated and signed by the staff member and trainer for a minimum of 12 months. This training must be made available for inspection from Police and other responsible authorities during and after the festival. A written record shall be retained at each bar to show the staff that have been authorised to sell alcohol. This shall also be made available to the Police and other responsible authorities on request.
3. The premises licence holder shall ensure that a refusals book / incident book or log is maintained at the premises. These records shall be retained for a minimum of 1 year and be made available to the Police and other responsible authorities upon request.
4. The premises licence holder shall ensure that a system is in place to ensure that every individual who appears to be under 25 years of age seeking to purchase or be supplied with alcohol at or from the premises, shall produce acceptable means of identification and age confirmation. Acceptable identification shall be a passport, photo driving licence or PASS accredited photo ID. 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.



Licensing Team, Southampton City Council, Civic Centre,  
Southampton, SO14 7LY.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. X
- X  
[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

**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.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition</li> </ul>
--------------------	---

Licensing Team, Southampton City Council, Civic Centre,  
Southampton, SO14 7LY.

	<p>preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</p> <p>The DPS named in this application form is entitled to work in the UK conditions preventing him or her from doing work activity) and I have seen a copy of his or her to work, if appropriate (please see note 15)</p>
Signature	
Date	12 <sup>th</sup> NOVEMBER 2020
Capacity	AGENT

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

<p>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)</p> <p>RICHARD BAKER RB RETAIL &amp; LICENSING SERVICES LIMITED 23 MAGISTER DRIVE LEE ON THE SOLENT</p>			
Post town	PORTSMOUTH	Postcode	PO13 8GE
Telephone number (if any)			
<p>and with you by e-mail, your e-mail address (optional)</p>			

**Notes for Guidance**

- 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 for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- 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.







**From:** [REDACTED],25491  
**To:** [REDACTED]  
**Subject:** RE: New premises licence application documents, One Oxford, 1 Oxford Street, Southampton, SO14 3DJ.  
**Date:** 12 November 2020 14:20:13

---

Dear Licensing,

The offered conditions attached to the application under "General" have been agreed with me pre application as suggested within the 182 guidance. As such, if you are minded to grant the licence be copy them verbatim.

1 & 2 - Training

3 to 12 - CCTV

13 - Age Verification

14 - Refusals / Incident Book

15 to 16 – SIA Security

Kind regards

Mark

**PC 25491 Mark HAWLEY**  
**Licensing Officer**  
**Licensing & Alcohol Harm Reduction Team**  
**Southampton Central Neighbourhood Police Office**  
**Southampton City Council**  
**Civic Centre**  
**Southampton**  
**SO14 7LY**

[REDACTED]  
**VICTIM ADVICE**

[Victim of Crime Leaflet](#) - Understanding the support you can expect.

[Victim Personal statement Leaflet](#) - A guide explaining the purpose of a personal statement.

[Victim Support Link](#) - This charity Is a free and confidential provider of support to help victims move beyond the impact of crime.

[Restorative Justice Link](#) - This is an opportunity to speak face to face with the offender to ask questions or explain how it has affected you.

---

**From:** Licensing & Alcohol Harm Reduction Team Mailbox [REDACTED] >

**Sent:** 12 November 2020 13:33

**To:** Hawley, Mark,25491 [REDACTED] >

**Subject:** FW: New premises licence application documents, One Oxford, 1 Oxford Street, Southampton, SO14 3DJ.

Mark,

As requested, Bob

---

**From:** Richard Baker [[mailto:\[REDACTED\]](mailto:[REDACTED])]

**Sent:** 12 November 2020 11:35

**To:** [REDACTED]

**Cc:** Licensing & Alcohol Harm Reduction Team Mailbox [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Subject:** New premises licence application documents, One Oxford, 1 Oxford Street, Southampton, SO14 3DJ.

Dear Licensing Officer,

I am a licensing and planning consultant acting on behalf of the applicants for the above

attached application.

I would be grateful if a call can be made to me on the number below asap to collect the licence fee as the notices and newspaper dates are linked to the application commencing its consultation as from tomorrow.

Many thanks for your kind assistance.

Keep sake

Kind regards

Richard

Richard Baker

Director

RB Retail & Licensing Services Limited

Richard W R Baker -- RB Retail & Licensing Services Limited - Telephone: [REDACTED]

Facsimile: [REDACTED] All correspondence to: RB Retail & Licensing Services Limited - 23

Magister Drive, Lee on the Solent, Portsmouth, Hampshire, PO13 8GE. This email and any

attachments or files transmitted with it are strictly confidential and intended solely for the

named addressee. It may contain privileged and confidential information and if you are not the

intended recipient you must not copy, distribute or use the communication in any other way. If

you receive this email in error please contact the sender as soon as possible and delete the email

and any attachments. We believe that this email is virus free but we cannot guarantee this.

Recipients should therefore check for viruses and similar harmful devices and we cannot accept

liability for any which may occur.

---

This email has been scanned by the Symantec Email Security.cloud service.

For more information please visit <http://www.symanteccloud.com>

---

\*\*\*\*\*

Hampshire Constabulary currently use the Microsoft Office 2013 suite of applications. Please be aware of this if you intend to include an attachment with your email. This communication contains information which is confidential and may also be privileged. Any views or opinions expressed are those of the originator and not necessarily those of Hampshire Constabulary. It is for the exclusive use of the addressee(s). If you are not the intended recipient(s) please note that any form of distribution, copying or use of this communication or the information in it is strictly prohibited and may be unlawful. If you have received this communication in error please forward a copy to: [informationsecurity@thamesvalley.pnn.police.uk](mailto:informationsecurity@thamesvalley.pnn.police.uk) and to the sender. Please then delete the e-mail and destroy any copies of it. DO NOT use this email address for other enquiries as the message will not be responded to or any action taken upon it. If you have a non-urgent enquiry, please call the police non-emergency number '101'. If it is an emergency, please call 999. Thank you.

\*\*\*\*\*

**From:** [REDACTED]  
**To:** [Licensing](#)  
**Subject:** Licence application 2020/03834/01SPRN (1 Oxford Street)  
**Date:** 18 November 2020 22:49:52

---

**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 Madam, dear Sir,

I would like to make a representation about application 2020/03834/01SPRN relating to 1 Oxford Street.

I have tried to submit my comments online but was unsuccessful; an 'error in the system' was reported. Could you confirm whether this email is accepted as an alternative mechanism for channelling them? Many thanks.

The prospect of this venue gaining a new lease of life is welcome, but the request to stay open till 2 a.m., in conjunction with permission to play recorded music and sell alcohol, is excessive. The applications for these activities should tally with the request to play live music made in schedule E, which envisages ending at 11 p.m.

There is a real risk that late-night (post-11 p.m.) leisure activity fuelled by music and alcohol would represent a threat to the locality beyond the environmental nuisance of excessive noise. A flare-up of violence can occur anywhere and at any time, of course, as was seen at one major incident during the summer (in this case the Mail Room / early evening), but the one bar that stayed open as late as 2 pre-lockdown (the Medbar) has been a longstanding public nuisance after 11 p.m., with accompanying incidences of rowdy disorder (as evidenced in comments provided by neighbours about the planning application for a roof terrace at the Medbar, ref.20/00947/FUL).

There is a widespread misapprehension that Oxford Street is a focus for nightlife. In fact there is a very large residential population, with a broad mix of younger and older residents, including of course the Salvation Hostel. The majority of bars and restaurants close at a reasonable hour, including some that have a licence to close later but elect not to. The result is a relatively harmonious mixed community that represents an asset to the city and allows the rich local heritage to flourish, conserved as a functioning neighbourhood ecology.

Malfunctions occur predominantly as a result of antisocial behaviour linked to venues opening past midnight. A planning application to institute a new nightclub opposite the Medbar was turned down by the City Council planning panel because it was seen as deleterious. Oxford St is distinct from areas such as Leisure World or London Road, which have a much clearer focus on nightlife, and needs to preserve this distinctiveness. I believe it is right that permission for the new premises to open should be restricted to a closing time of 11 or 11.30 p.m.

Yours sincerely

Colin Beaven

5 Oxford Mews

Latimer St

Oxford SO14 3EE



**From:**  
**To:** [Licensing](#)  
**Subject:** 2020/03834/01sprn  
**Date:** 23 November 2020 13:34:24  
**Importance:** High

---

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.

To whom it may concern

Please can I strongly object to the above application for late night drinking and entertainment at 1 Oxford street (previously the fortune Chinese restaurant SO143DJ).

I am the resident owner at 18 Oxford street and I live there with my husband and son.

Currently we do experience a lot of late night rowdy disturbances and street fights emanating from the med bar and as a result sleep is difficult enough . Also there is an awful lot broken bottles, vandalism etc as a bi product of this late night drunkenness. I have caught customers from med bar urinating through my letterbox on 2 separate occasions and on one occasion found a young lady on a Sunday morning asleep in my back garden. We have no objection to the idea of a bar or restaurant closing at 10 or 11pm , however this streets residents really cannot tolerate any more 1am or 2am licenses, it is unbearable at times and when we are not under a curfew we really do not get sleep on Friday or Saturday nights.

Through this covid 19 period the street has been great to live and socialise in because bars were closing at 10pm, we would love to maintain something akin to that throughout the street. Maybe more of a focus on food and drink rather than more late night boozing? This really isn't the street for it.

In fact I would suggest that Oxford street has declined significantly since med bar began trading, they attract a very different clientele and seem to revel in the loutish atmosphere.

Yours faithfully

Sue Mccarthy

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2020/03834/01SPRN  
**Date:** 01 December 2020 10:54:49

---

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 10:54 AM on 01 Dec 2020 from Mr Daniel Hope.

### **Application Summary**

**Address:** 1 Oxford Street Southampton SO14 3DJ

**Proposal:** Premises Licence

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mr Daniel Hope

**Email:** [REDACTED]

**Address:** 10 Oxford Street, Southampton SO14 3DJ

### **Comments Details**

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

**Comments:** 10:54 AM on 01 Dec 2020 I object to the premises licence on three grounds: the prevention of public nuisance, public safety and the prevention of crime and disorder. The comment feature on this website appears broken so my detailed comment has been emailed to [licensing@southampton.gov.uk](mailto:licensing@southampton.gov.uk)



**From:** [REDACTED]  
**To:** [Licensing](#)  
**Subject:** Objection to 2020/03834/01SPRN  
**Date:** 01 December 2020 10:52:38

---

**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.**

Hello,

I am trying to submit an objection to the Premises Licence application 2020/03834/01SPRN at 1 Oxford St, Southampton, SO14 3DJ. I have tried going this online but the system is returning an error "

**Error while submitting your comments**

- Your comments could not be submitted due to an error in the system.

“

Can you please register my objection to the application. My name is Daniel Hope, I am a neighbour at 10 Oxford St, Southampton, SO14 3DJ.

The comment associated with my objection is:

I object to the premises licence on three grounds: the prevention of public nuisance, public safety and the prevention of crime and disorder.

Firstly it should be noted that the proposed use as a nightclub / drinking / entertainment venue is significantly different from the previous uses as a restaurant and that this application should be considered separately from any previous uses.

Secondly the plans submitted with this premises licence application differ significantly from those submitted with the planning application, specifically in that they don't show the full extent of the licensed area over more than one floor and that the internal connection between the bar and flat is different / ambiguous.

The proposed use as a nightclub / drinking establishment playing both live and recorded music and with dancing entertainment will cause significant loss of amenity to the neighbouring residents. I believe that with music playing until 2am the noise would be heard from outside the building and would keep residents awake. Patrons leaving the bar would also cause significant noise nuisance and nothing in the application appears to address this.

The bar would be situated at the extreme end of the late night zone surrounded only by residential properties, a long way from the other bars, restaurants and taxi rank in the pedestrianised area. The natural curve in Oxford Street (at around 20 Oxford Street) protects the residential properties at the North-Western end from noise from bars in the pedestrianised area but would obviously not stop noise from this proposed nightclub. The late night zone was extended to the end of Oxford Street on the North side only to include existing use for the restaurant, it wasn't intended to include noisy bars.

The proposal doesn't include details of any additional soundproofing to prevent the noise of live and recorded music and it appears that none will be provided. Music at up to 2am in the morning will keep residents awake. The environmental officer commented on the planning application that all doors and windows should be closed by 9pm to protect

neighbour amenity. Shutting doors and windows to reduce noise follows a similar condition placed on the bar at 20-22 Oxford Street (Cargo) and should be a condition placed on this application.

As the bar takes up the entire site it seems difficult to ensure that patrons don't consume alcohol off site when standing outside to smoke, take phone calls, etc. Any licence should prohibit consumption of alcohol off the premises and this should include on the street outside the bar (Oxford and Bernard Street). Any queuing to get inside would be on the public highway and would cause nuisance.

The application proposes a maximum capacity of 99 or less people. This number should be defined at the actual capacity such that all patrons can fit comfortably inside to ensure that doors and windows can be closed at 9pm.

The location would mean that patrons would walk through a corridor of residential properties on Oxford Street to access other bars/restaurants and taxis. This would be happening at up to 2am in the morning which would keep residents awake. From experience we see drunken behaviour such as shouting, screaming and fighting due to people leaving the bars and this is more pronounced later in the evening and at closing time. This proposed bar would make that noise nuisance significantly worse due to the distance from the other bars and taxi rank.

In terms of public safety there is a traffic issue that will likely result in injury or death as drunken people pour out onto the street or queue to get into the premises. From experience the tight corner from Bernard Street coming into Oxford Street (approx 135 degrees) coupled with the wide road and lack of visibility means that anyone overstepping the pavement onto the junction will not be seen by approaching cars. Cars regularly travel at the full 30mph speed limit down Bernard Street due to its width. We see near misses in the day time when there is good visibility and people are sober, at night and with drunk pedestrians this is likely to cause a public safety issue. There is no pedestrian crossing at this location and whilst there is one that at first appears close at the junction to Orchard Lane it requires crossing two wide streets (Oxford Street and Orchard Place) where no crossing is available. For public safety a bar would be much better suited in the pedestrianised area at the Southern end of Oxford Street.

Taxi dropoff at this area would be dangerous as well as taxis will be tempted to stop on the corner. A location served by a taxi rank, or with dedicated drop-off zones would be better.

In terms of crime and disorder, the internal link between the flat and the bar is concerning. There seems to be no way to police who is travelling through this internal corridor. It seems possible for patrons to access the flat internally which blurs the lines of where the alcohol licence boundary is. Specifically that patrons could use the upstairs flat and be served alcohol with no effective way of preventing this or enforcing licence conditions. The plans show a lack of security cameras in this area so patrons could enter the private residence without being recorded.

Conversely there seems to be no way to prevent visitors to the flat from accessing the bar area bypassing requirements on things such as door security and age verification. The cycle and bin storage areas form part of the residential areas; neither of these are accurately shown on the licensing application but are in the corridor next to the toilets and stairwell.

There are a significant number of bars in the pedestrianised area of Oxford Street which is where venues such as this should be located





**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2020/03834/01SPRN  
**Date:** 24 November 2020 12:14:28

---

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 12:14 PM on 24 Nov 2020 from Mrs Victoria Finney.

### **Application Summary**

**Address:** 1 Oxford Street Southampton SO14 3DJ

**Proposal:** Premises Licence

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mrs Victoria Finney

**Email:** [REDACTED]

**Address:** 5 Oxford Street, Southampton SO14 3DJ

### **Comments Details**

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

**Comments:** 12:14 PM on 24 Nov 2020 This end of Oxford Street is a quiet residential area with no licensed premises, these are all together at the opposite end of the street, mostly within a pedestrianized area. I object strongly to having licensed premises open all night, every night, year round right in the centre of this Conservation Zone comprising mostly of homes and families with a few daytime businesses. Such a business would stand alone in this area and create new vehicular traffic noise and nuisance at all hours. It would also create new pedestrian traffic making additional noise and nuisance throughout the night, especially at 2am when all those proposed customers who have been dancing and drinking would be leaving the premises and therefore outside on the pavements of Oxford Street. Please do not allow this application.

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2020/03834/01SPRN  
**Date:** 09 December 2020 14:05:44

---

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 2:05 PM on 09 Dec 2020 from Dr A Tiropanis.

### **Application Summary**

**Address:** 1 Oxford Street Southampton SO14 3DJ

**Proposal:** Premises Licence

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Dr A Tiropanis

**Email:** [REDACTED]

**Address:** 9A Oxford Street, Southampton SO14 3DJ

### **Comments Details**

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

**Comments:** 2:05 PM on 09 Dec 2020 I object to the license on grounds of prevention of public nuisance and prevention of disorder. This is the residential end of Oxford street and a conservation area and I cannot see how it will not be disturbed when people leave the premises at 2am after drinking and dancing. I expect that there will be increased traffic and taxis waiting outside the premises further contributing to public nuisance. It will also encourage pedestrian traffic and noise between the establishment and the bars at the opposite end of Oxford street throughout the night.

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2020/03834/01SPRN  
**Date:** 10 December 2020 12:55:48

---

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 12:55 PM on 10 Dec 2020 from Mr Paul Hooper.

### **Application Summary**

**Address:** 1 Oxford Street Southampton SO14 3DJ

**Proposal:** Premises Licence

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mr Paul Hooper

**Email:** [REDACTED]

**Address:** 30 - 31 Orchard Place, Southampton SO14 3PE

### **Comments Details**

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

**Comments:** 12:55 PM on 10 Dec 2020 I strongly object to the application to transform this small restaurant into a late night bar and entertainment venue with a late night licence in a location which is predominately residential. It would create new pedestrian and vehicular traffic undoubtedly adding noise and nuisance to the area.

A small table service only restaurant with no bar is one thing but this proposal for a table dancing bar is completely inappropriate.

**From:** [REDACTED] on behalf of [Licensing](#)  
**To:** [REDACTED]  
**Subject:** RE: Comments for Licensing Application 2020/03834/01SPRN  
**Date:** 03 December 2020 10:03:00  
**Attachments:** [ufm2.docx](#)

---

Good morning,

Please find attached acknowledgement of your representation to the application for a premises licence at 1 Oxford Street, Southampton.

Kind regards,

[REDACTED]  
Licensing Enforcement Officer  
Southampton and Eastleigh Licensing Partnership  
**Southampton City Council**

Tele: [REDACTED]  
E-mail: [REDACTED]  
Web: [www.southampton.gov.uk/licensing](http://www.southampton.gov.uk/licensing)  
Post: Licensing - Southampton City Council  
PO Box 1767, Southampton. SO18 9LA

Please note:- This email is confidential but may have to be disclosed under the Freedom of Information Act 2000, the Data Protection Act 1998 or the Environmental Information Regulations 2004. SCC does not make legally binding agreements or accept formal notices/proceedings by email. Emails may be monitored. This e-mail (and its attachments) is intended only for the use of the person(s) to whom it is addressed and may contain information which 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:** publicaccess@southampton.gov.uk <publicaccess@southampton.gov.uk>  
**Sent:** 03 December 2020 08:58  
**To:** Licensing <Licensing@southampton.gov.uk>  
**Subject:** Comments for Licensing Application 2020/03834/01SPRN

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 8:58 AM on 03 Dec 2020 from Miss Victoria Palmer.

### **Application Summary**

**Address:** 1 Oxford Street Southampton SO14 3DJ  
**Proposal:** Premises Licence  
**Case Officer:** Tricia Young  
[Click for further information](#)

### **Customer Details**

**Name:** Miss Victoria Palmer  
**Email:** [REDACTED]  
**Address:** 10 Oxford Street, Southampton SO14 3DJ

## Comments Details

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

**Comments:** 8:58 AM on 03 Dec 2020 I strongly object to this application on the grounds of a) the prevention of crime and disorder b) public safety and c) the prevention of public nuisance.

The location of the proposed venue (which was previously a quiet restaurant) is completely unsuitable and is in a predominantly residential area. It is also a significant distance from the other venues at the far end of Oxford Street which I would say are mainly restaurants. This distance would encourage people to walk through a residential area, late at night to reach their next venue. The position of the venue would then mean queuing on a residential street before gaining access.

I fear that granting this licence would increase noise and disturbance in the late evening / early morning with people spilling out onto the street to either smoke, talk (which at times leads to disagreements and fighting) or wait for taxis to take them home. The transport issue itself is already a problem on Oxford Street with taxis and private hire vehicles sitting outside the properties with engines running waiting for their bookings using the parking bays as an unofficial taxi rank. The addition of a venue of this type will only further exacerbate this issue.

Replacing like with like would be of little concern but the addition of live music, late night opening, dancing and a capacity of up to 99 (when the previously establishment could have seated no more than 40) it is completely unsuitable for the area.

### **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.