

# Licensing (Licensing and Gambling) Sub-Committee

Thursday, 21st March, 2024  
at 4.30 pm

**PLEASE NOTE TIME OF MEETING**

Virtual Meeting

This meeting is open to the public at the Council Chamber, Civic Centre

## **Members**

Three Members drawn from the Licensing Committee

## **Contacts**

Democratic Support Officer  
Melanie Morley

Email: [Melanie.Morley@southampton.gov.uk](mailto:Melanie.Morley@southampton.gov.uk)

Executive Director Place

Adam Wilkinson

Email: [Adam.Wilkinson@southampton.gov.uk](mailto:Adam.Wilkinson@southampton.gov.uk)

## **PUBLIC INFORMATION**

The Members of the Licensing Committee are Councillors M Bunday, Beaurain, Mrs Blatchford, Kenny, Letts, Moulton, Noon, Powell-Vaughan, Whitbread and Windle.

### **Role of the Sub-Committee**

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 2022-2030** sets out the four key goals:

- Strong Foundations for Life.- For people to access and maximise opportunities to truly thrive, Southampton will focus on ensuring residents of all ages and backgrounds have strong foundations for life
- A proud and resilient city - Southampton's greatest assets are our people. Enriched lives lead to thriving communities, which in turn create places where people want to live, work and study
- A prosperous city - Southampton will focus on growing our local economy and bringing investment into our city.
- A successful, sustainable organisation - The successful delivery of the outcomes in this plan will be rooted in the culture of our organisation and becoming an effective and efficient council.

**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 for the Municipal Year**  
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 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 **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.

### 3 **STATEMENT FROM THE CHAIR**

### 4 **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)** (Pages 1 - 2)

To approve and sign as a correct record the Minutes of the meeting held on 5 March 2024 and to deal with any matters arising, attached.

### 5 **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 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.

### 6 **APPLICATION FOR VARIATION OF PREMISES LICENCE - AVA'S 25 OXFORD STREET, SOUTHAMPTON SO14 3DJ** (Pages 3 - 28)

Application for Variation of Premises Licence - Ava's 25 Oxford Street, Southampton SO14 3DJ

Wednesday, 13 March 2024

Executive Director Communities, Culture & Homes

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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 5 MARCH 2024

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Present: Councillors Mrs Blatchford, Noon and Whitbread

38. **ELECTION OF CHAIR**

It was noted that the hearing was a hybrid meeting with the Sub-Committee in the room and other parties to the hearing participating online. The Committee Members had submitted a request for the style of the hearing to be hybrid which had been agreed by the Chair in consultation with Democratic and legal Services. The option to attend the hearing remotely or in person had been offered to all relevant parties.

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

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

**RESOLVED** that the minutes for the Sub-Committee meeting on 24 January 2024 be approved and signed as a correct record.

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

**RESOLVED** that the Sub-Committee move into private session in order to receive legal advice when determining issues. The parties to the hearing, press and public, unless otherwise excluded by the Licensing Act 2003 (Hearings) Regulations 2005, would be notified within 24 hours of the matter being determined and the decision of the Sub-Committee would be published on the website of Southampton City Council.

41. **APPLICATION FOR NEW PREMISES LICENCE - BASEMENT, 35-36 OXFORD STREET, SOUTHAMPTON SO14 3DS**

The Sub-Committee considered very carefully the application for grant of a premises licence for Basement, 35-36 Oxford Street, Southampton as submitted.

It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy. The Human Rights Act 1998, The Equality Act 2010 and The Crime and Disorder Act 1998 Section 17 have been considered whilst making the decision.

The Sub-Committee made its decision on the basis of all of the evidence submitted, both in writing and given orally at the Hearing.

The Sub-Committee heard evidence from the applicant, and the objector Mr Beaven both orally at the hearing and in written representations.

The Sub-Committee noted that none of the Responsible Authorities attended the Hearing, but that conditions had been agreed with the applicant, to be added to the licence, should the application be granted.

Having considered all of the above the Sub-Committee agreed to grant the licence in accordance with the application but subject to the following conditions

- The hours of operation shall be between 12:00 to 00:00 from Monday to Sunday

- The conditions agreed with the Responsible Authorities shall be added to the standard conditions.

### **Reasons:**

The Sub-Committee has listened to the concerns of the local resident which related to public nuisance, anti-social behaviour, security and road safety. However, as this is a new application the concerns amount to speculation as to what might happen at the premises.

Advice was also given that the legislation had a presumption of grant subject to the determination of the application with a view to promoting the licensing objectives in the overall interests of the local community but as Oxford Street is within a Stress Area designated by Section 6 of the Statement of Licensing Policy, the onus is on the Applicant to prove that the granting of the application will not adversely impact any of the Licensing Objectives and will not increase the impact in the area. The conditions agreed with the responsible authorities do meet concerns that do not amount to speculation. The sub-committee noted that the responsible authorities are regarded as experts in their respective fields.

The amendment to the operating hours are imposed to minimise the impact of patrons leaving the establishment past midnight, and ensure that noise is kept to a certain time. The Sub-Committee were concerned by what appeared to be a lack of a plan from the Applicant in terms of what he intended to use the premises for. The Applicant appeared to suggest that he wanted it to be run as a member's club, however he also stated that he would be renting the premises out and made clear that it may not be used as such, and that it could be used for another purpose. The lack of a clear plan for the premises was a concern, however limiting the hours is considered to mitigate any potential impact on the Stress Area.

Due to the premises being a basement, the sub-committee draws specific attention to the condition from Hampshire and Isle of Wight Fire and Rescue which states "*The license will not take effect until written permission has been given by Hampshire & IOW Fire and Rescue Service (The Fire and Rescue Authority) that the premises is able to be safely occupied to our satisfaction.*"

Members of the public should be assured that there is a general right to review a premises licence which can be brought by residents or responsible authorities, where there is evidence that the objectives are not being met. In the event that the premises causes issues of concern the licence, in its entirety, can be considered at that stage where the evidence supports it.

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.



# Agenda Item 6

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

**SUBJECT** HEARING TO CONSIDER AN APPLICATION FOR VARIATION OF A PREMISES LICENCE – **Ava's 25 Oxford Street Southampton SO14 3DJ**

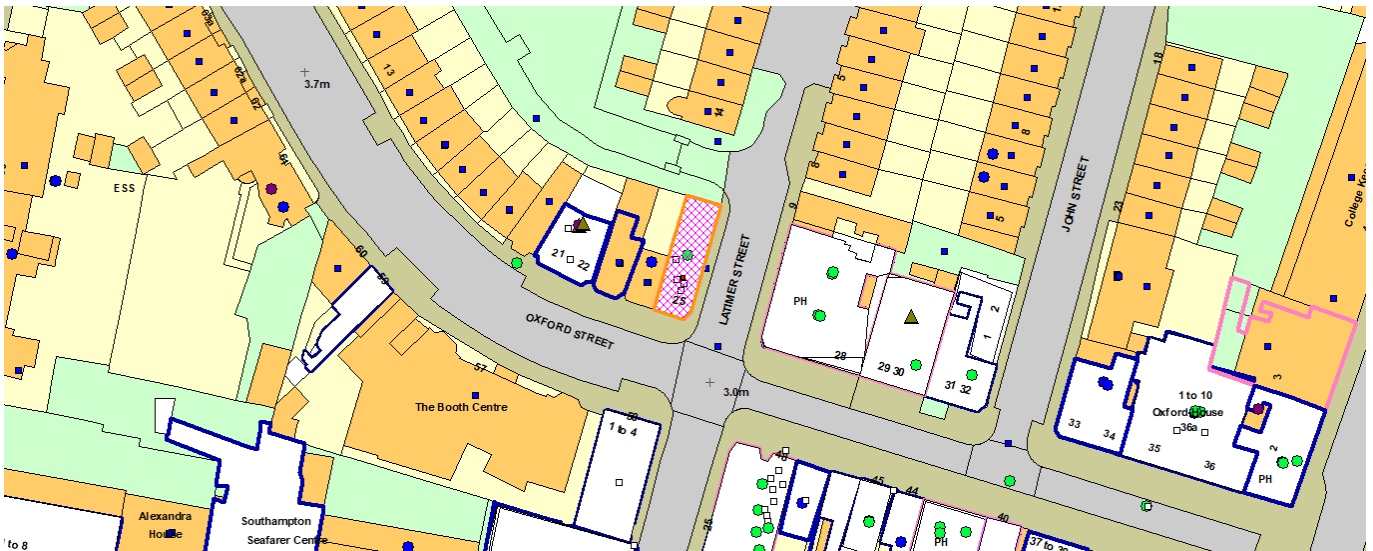
**DATE OF HEARING** 21st March 2024 16.30 hrs

**REPORT OF** SERVICE DIRECTOR – PLACE

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

Application Date : 30th January 2024      Application Received 30th January 2024

Application Valid : 30th January 2024      Reference :                    **2024/00411/01SPRV**



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

| Responsible Authority | Satisfactory? |
|-----------------------|---------------|
| Safeguarding Children | No Response   |
| Fire Service          | Satisfactory  |

|   |   |                         |
|---|---|-------------------------|
| Environmental Health - Licensing                            | No Response   |                         |
| Home Office   | No Response   |                         |
| Public Health Manager                                       | No Response   |                         |
| Planning & Sustainability - Development Control - Licensing | No Response   |                         |
| Police - Licensing  | Satisfactory  |                         |
| Trading Standards   | No Response   |                         |
| <b>Other Representations</b>                                |   |                         |
| <b>Name</b>   | <b>Address</b>  | <b>Contributor Type</b> |
| Ms Clare Castleman  | 17 Oxford Mews<br>Latimer Street<br>Southampton<br>SO14 3EE | <b>Resident</b>         |
| Mr Colin Beaven   | 5 Oxford Mews<br>Latimer Street<br>Southampton<br>SO14 3EE  | <b>Resident</b>         |

## ***Legal Implications***

The legislation specifically restricts the grounds on which the sub-committee may refuse an application for variation of a premises licence, or impose conditions. The legislation provides for a presumption of grant of an application for variation of a premises licence, subject to the determination of the application with a view to promoting the licensing objectives in the overall interests of the local community. In doing so the sub-committee must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- its own statement of licensing policy
- the Statutory Guidance

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

An applicant for variation of a premises licence whose application has been refused, or who is aggrieved by conditions imposed, may appeal against the decision to the Magistrates' Court. Any other

person, who made a valid representation, may appeal to the Magistrates' Court against the decision to grant the application or against any conditions imposed.

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 variation 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**

This variation is to extend the licensable activities Live Music, Recorded Music and Supply of Alcohol by one hour and Late Night Refreshment by half an hour. Additional conditions have been offered.

|                                       |                                |
|---------------------------------------|--------------------------------|
| <b>Applicant</b>                      | Mr. Sebastien Philippe Bousson |
| <b>Designated Premises Supervisor</b> | Sebastien Philippe Bousson     |

## Licensable Activities.

### Live music

|           |               |
|-----------|---------------|
| Monday    | 18:00 - 23:59 |
| Tuesday   | 18:00 - 23:59 |
| Wednesday | 18:00 - 23:59 |
| Thursday  | 18:00 - 23:59 |
| Friday    | 18:00 - 23:59 |
| Saturday  | 18:00 - 23:59 |
| Sunday    | 18:00 - 23:59 |

### Recorded music

|           |               |
|-----------|---------------|
| Monday    | 09:00 - 23:59 |
| Tuesday   | 09:00 - 23:59 |
| Wednesday | 09:00 - 23:59 |
| Thursday  | 09:00 - 23:59 |
| Friday    | 09:00 - 23:59 |
| Saturday  | 09:00 - 23:59 |
| Sunday    | 10:00 - 23:59 |

### Provision of late night refreshment

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

### Supply by retail of alcohol

|           |               |
|-----------|---------------|
| Monday    | 09:00 - 23:59 |
| Tuesday   | 09:00 - 23:59 |
| Wednesday | 09:00 - 23:59 |
| Thursday  | 09:00 - 23:59 |
| Friday    | 09:00 - 23:59 |
| Saturday  | 09:00 - 23:59 |
| Sunday    | 09:00 - 23:59 |

This application has received no representations from the Responsible Authorities but has received two public representations.

## **Included in Report**

Application

Current Application

Public Representations x 2

Hearing Procedures

**From:** Licensing <Licensing@southampton.gov.uk>

**Sent:** 30 Jan 2024 11:44:05

**To:** IdoxDMSLicensing@southampton.gov.uk

**Cc:**

**Subject:** FW: Application to vary a premises licence under the Licensing Act 2003 - 3CP9GR94

**Attachments:**

**From:** Southampton City Council <noreply@southampton.gov.uk>

**Sent:** Tuesday, January 30, 2024 11:03 AM

**To:** Licensing <Licensing@southampton.gov.uk>; licensing@hampshire.police.uk; Food Safety <Food.Safety@southampton.gov.uk>; CsProtection Admin <csprotection.admin@hantsfire.gov.uk>; Trading Standards <Trading.Standards@southampton.gov.uk>; Planning <planning@southampton.gov.uk>; Safeguarding Children Licensing <SafeguardingChildren.Licensing@southampton.gov.uk>; Public Health <Publichealth@southampton.gov.uk>; alcohol@homeoffice.gov.uk

**Subject:** Application to vary a premises licence under the Licensing Act 2003 - 3CP9GR94

## SOUTHAMPTON AND EASTLEIGH LICENSING PARTNERSHIP

**Licensing authority:** Southampton City

Copy to  
Hampshire Constabulary  
Hampshire and Isle of Wight Fire and Rescue Service  
Environmental Health  
Trading Standards  
Planning  
Safeguarding Children  
Public Health  
Home Office

**Case reference number:** 3CP9GR94

**Payment reference:** 430348599

**Payment amount:** £190.00

**Premises address:** 25 Oxford Street, Southampton, SO14 3DJ

**This email has been automatically generated so please do not reply to this message.**

### Application to vary a premises licence under the Licensing Act 2003

|                               |          |
|-------------------------------|----------|
| <b>Application reference:</b> | 3CP9GR94 |
|-------------------------------|----------|

### Before you begin

|  |      |
|--|------|
| <b>I confirm that I have read and understood</b> | True |
|--|------|

### About the premises

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005

|                 |                   |
|-----------------|-------------------|
| <b>Premises</b> | 2023/03267/01SPRT |
|-----------------|-------------------|

|  |   |
|--|---|
| <b>licence number</b>  |   |
| <b>Premises address or location</b>                            | 25 Oxford Street, Southampton, SO14 3DJ |
| <b>UPRN</b>  | 100062501847                            |
| <b>Local Authority:</b>  | Southampton                             |
| <b>Telephone number of the premises</b>                        | ██████████                              |
| <b>Which band/rateable value best describes your premises?</b> | Band B: £4301 - £33000                  |
| <b>Non-domestic rateable value of premises (£)</b>             | 9000                                    |

**Applicant details**

|                      |   |
|----------------------|---|
| <b>Name</b>          | Mr Sebastien Bousson                    |
| <b>Address</b>       | 25 Oxford Street, Southampton, SO14 3DJ |
| <b>Email address</b> | ████████████████████                    |
| <b>Phone number</b>  | ██████████                              |

**Variations**

|   |  |
|---|--|
| <b>Do you want the proposed variation to have effect as soon as possible?</b> | Yes  |
| <b>Nature of proposed variation</b>   | <p>Ava's has been granted a small extension in planning hours (20/00970/FUL) as such and in agreement with Police Licensing we wish to apply to extend all licensable activity to match, Monday to Saturday 09:00 – Midnight and Sunday 10:00 – Midnight.</p> <p>Whilst we are increasing our operating hours we anticipate no increase in issues seen in the area, our current licence contains a condition that limits all music both live and recorded to be relayed through a sound limiter further, the addition of SIA on the licence will support the dispersal of customers at the end of the night.</p> <p>In order to supplement this increase be it very small, we are asking that the following conditions be added to support the licensing objective or Prevention of Crime and Disorder and Prevention of Public Nuisance in relation to SIA Staff and Pub Watch - See Below.</p> |
| <b>Does your application include off-supplies of alcohol and</b>              | No   |

|   |  |
|---|--|
| you intend to provide a place for consumption of these off-supplies?      |  |
| Are 5,000 or more people expected to attend the premises at any one time? | No   |
| <b><u>Operating schedule</u></b>  |  |
| Provision of regulated entertainment                                      | Live music, Recorded music, Provision of late night refreshment, Supply of alcohol   |
| <b><u>Licensable activities</u></b>                                       |  |
| <b>Licensable activity: Live music</b>                                    |  |
| Activity  | Live music   |
| Will the activity take place indoors or outdoors?                         | Indoors  |
| Monday  | 18:00-23:59  |
| Tuesday   | 18:00-23:59  |
| Wednesday   | 18:00-23:59  |
| Thursday  | 18:00-23:59  |
| Friday  | 18:00-23:59  |
| Saturday  | 18:00-23:59  |
| Sunday  | 18:00-23:59  |
| Please provide any additional information about this activity             | We do not have plans to organise any live music events. However, for some special occasions such as Birthdays or Weddings, some guests may arrange for a singer or musician to perform in the evening. |
| <b>Licensable activity: Recorded music</b>                                |  |
| Activity  | Recorded music   |
| Will the activity take place indoors or outdoors?                         | Indoors  |
| Monday  | 09:00-23:59  |
| Tuesday   | 09:00-23:59  |
| Wednesday   | 09:00-23:59  |
| Thursday  | 09:00-23:59  |

|   |   |
|---|---|
| <b>Friday</b>   | 09:00-23:59   |
| <b>Saturday</b>   | 09:00-23:59   |
| <b>Sunday</b>   | 10:00-23:59   |
| <b>Please provide any additional information about this activity</b>  | We will have a DJ playing every Friday and Saturday from 6pm till Midnight, and music will be progressively amplified during those hours. |
| <b>Please state any seasonal variations, where the activity will occur on additional days during certain months</b> | We will also have DJ playing for Bank Holiday weekends. Start/Finish time will be similar 6pm-midnight.                                   |
| <b>Please state when intend to use the premises outside of the times listed above</b>                               | For day like Christmas Eve, we always follow guidance from The Police and The Council.  |
| <b>Licensable activity: Provision of late night refreshment</b>   |   |
| <b>Activity</b>   | Provision of late night refreshment   |
| <b>Will the activity take place indoors or outdoors?</b>  | Indoors   |
| <b>Monday</b>   | 23:00-00:00   |
| <b>Tuesday</b>  | 23:00-00:00   |
| <b>Wednesday</b>  | 23:00-00:00   |
| <b>Thursday</b>   | 23:00-00:00   |
| <b>Friday</b>   | 23:00-00:00   |
| <b>Saturday</b>   | 23:00-00:00   |
| <b>Sunday</b>   | 23:00-00:00   |
| <b>Please state when intend to use the premises outside of the times listed above</b>                               | For day like Christmas Eve, we always follow guidance from The Police and The Council.  |
| <b>Licensable activity: Supply of alcohol</b>   |   |
| <b>Activity</b>   | Supply of alcohol   |
| <b>Will the supply of alcohol be for</b>  | On the premises   |



|   |   |
|---|---|
| <b>consumption on or off the premises?</b>  |   |
| <b>Monday</b>   | 09:00-23:59   |
| <b>Tuesday</b>  | 09:00-23:59   |
| <b>Wednesday</b>  | 09:00-23:59   |
| <b>Thursday</b>   | 09:00-23:59   |
| <b>Friday</b>   | 09:00-23:59   |
| <b>Saturday</b>   | 09:00-23:59   |
| <b>Sunday</b>   | 09:00-23:59   |
| <b>Please state when intend to use the premises outside of the times listed above</b>                                     | For day like Christmas Eve, we always follow guidance from The Police and The Council.  |
| <b><u>Public opening hours</u></b>  |   |
| <b>Monday</b>   | 09:00-23:59   |
| <b>Tuesday</b>  | 09:00-23:59   |
| <b>Wednesday</b>  | 09:00-23:59   |
| <b>Thursday</b>   | 09:00-23:59   |
| <b>Friday</b>   | 09:00-23:59   |
| <b>Saturday</b>   | 09:00-23:59   |
| <b>Sunday</b>   | 09:00-23:59   |
| <b>Where you intend the premises to be open to the public at different times to those listed above, please list these</b> | For day like Christmas Eve, we always follow guidance from The Police and The Council.  |
| <b><u>Licensing objectives</u></b>  |   |
| <b>1. The prevention of crime and disorder</b>  | <p>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 2000 hours to close on Thursdays, Fridays and Saturdays evenings.</p> <p>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 and times to fit requirements).</p> <p style="text-align: center;">Page 11</p> <p>A log book shall be kept on the premises by the Designated Premises Supervisor, which shall contain the following details:</p> |

|   |  |
|---|--|
|   | <p>i) The door supervisor's name.<br/> ii) his/her SIA licence number.<br/> iii) The time and date he/she starts and finishes duty.<br/> iv) Each entry shall be signed by the door supervisor.</p> <p>The log book shall be immediately available for inspection on demand by an authorised officer of the Council, the SIA or the police.</p> <p>The SIA registered door supervisor(s) shall remain outside the premises until at least 15 minutes after the last customer has left the premises to encourage dispersal.</p> |
| <b>2. Public safety</b>                                       | As per existing licence.   |
| <b>3. The prevention of public nuisance</b>                   | The premises licence holder shall ensure that the premise will be an active member of any local Pub Watch that is in existence and recognised by the local Police. A representative will attend all Pub Watch member meetings.   |
| <b>4. The protection of children from harm</b>                | As per existing licence.   |
| <b>General steps taken to achieve all four objectives</b>     | <p>In order to run efficiently the business, we focus our efforts on:</p> <ul style="list-style-type: none"> <li>- Staff training.</li> <li>- Clear communication with various authorities.</li> <li>- Conservative Management.</li> </ul>   |
| <b><u>Supporting documents</u></b>                            |  |
| <b>Total file uploads</b>                                     | 0  |
| <b><u>Checklist</u></b>                                       |  |
| <b>Please check which of the following you have completed</b> | I/We understand that this application will be automatically served to the relevant authorities, I/We understand that I/we must advertise this application by public notices displaying at the premises and in the newspaper, I/We understand that if I/we do not comply with the above requirements my application will be rejected  |
| <b><u>Contact details</u></b>                                 |  |
| <b>Contact name</b>   | Sebastien Bousson  |
| <b>Address</b>  | 25 Oxford Street, Southampton, SO14 3DJ  |
| <b>Contact email</b>  | ████████████████████   |
| <b>Contact phone number</b>                                   | ██████████   |
| <b><u>Fee exemption</u></b>                                   |  |
| <b>Believes exempt to fees under legislation</b>              | No   |
| <b><u>Declaration</u></b>                                     |  |

|  |                   |
|--|-------------------|
| <b>I hereby agree to abide by the statements set out above</b> | True              |
| <b>Is there more than one applicant?</b>                       | No                |
| <b>Are you signing on behalf of the applicant(s)</b>           | No                |
| <b>Name of person signing/notifier</b>                         | Sebastien Bousson |



**Schedule 12  
Part A  
Premises Licence**

Regulation 33,34

**Premises licence number** 2023/04393/01SPRD

**Part 1 – Premises details**

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

**Ava's**  
25 Oxford Street  
Southampton  
SO14 3DJ

**Telephone number**

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**

Live music  
Recorded music  
Provision of late night refreshment  
Supply by retail of alcohol

**The times the licence authorises the carrying out of licensable activities**

Live music

|           |               |
|-----------|---------------|
| Monday    | 18:00 - 23:00 |
| Tuesday   | 18:00 - 23:00 |
| Wednesday | 18:00 - 23:00 |
| Thursday  | 18:00 - 23:00 |
| Friday    | 18:00 - 23:00 |
| Saturday  | 18:00 - 23:00 |
| Sunday    | 18:00 - 22:30 |

Recorded music

|           |               |
|-----------|---------------|
| Monday    | 09:00 - 23:00 |
| Tuesday   | 09:00 - 23:00 |
| Wednesday | 09:00 - 23:00 |
| Thursday  | 09:00 - 23:00 |
| Friday    | 09:00 - 23:00 |
| Saturday  | 09:00 - 23:00 |
| Sunday    | 10:00 - 22:30 |

**Provision of late night refreshment**

|           |               |
|-----------|---------------|
| Monday    | 23:00 - 23:30 |
| Tuesday   | 23:00 - 23:30 |
| Wednesday | 23:00 - 23:30 |
| Thursday  | 23:00 - 23:30 |
| Friday    | 23:00 - 23:30 |
| Saturday  | 23:00 - 23:30 |

**Supply by retail of alcohol**

|           |               |
|-----------|---------------|
| Monday    | 09:00 - 23:00 |
| Tuesday   | 09:00 - 23:00 |
| Wednesday | 09:00 - 23:00 |
| Thursday  | 09:00 - 23:00 |
| Friday    | 09:00 - 23:00 |
| Saturday  | 09:00 - 23:00 |
| Sunday    | 09:00 - 22:30 |

**The opening hours of the premises**

|           |               |
|-----------|---------------|
| Monday    | 09:00 - 23:30 |
| Tuesday   | 09:00 - 23:30 |
| Wednesday | 09:00 - 23:30 |
| Thursday  | 09:00 - 23:30 |
| Friday    | 09:00 - 23:30 |
| Saturday  | 09:00 - 23:30 |
| Sunday    | 09:00 - 23:00 |

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**  
Alcohol is supplied for consumption on the premises

**Part 2**

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

Sebastien Philippe Bousson  
19 Sedgewick Road  
Southampton  
SO19 8HD

**Registered number of holder, for example company number, charity number (where applicable)**  
Not applicable

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

Sebastien Philippe Bousson



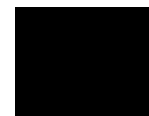
**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Licence Number: 2007/00540/02SPEN

Licensing Authority: Southampton City Council

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

Dated this 16th day of November 2023;



**Licensing Manager**  
Southampton & Eastleigh Licensing Partnership  
Civic Centre  
Southampton  
SO14 7LY

## Annex 1 – Mandatory Conditions

1 No supply of alcohol shall be made under the premises licence:

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor for the premises does not hold a personal licence or his personal licence is suspended.

2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5 (1) verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

6 The responsible person must ensure that

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

where—

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

## **Annex 2 – Conditions consistent with the operating Schedule**

### **1 CCTV**

A 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 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.

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 advising that CCTV is in operation.

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.

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.

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 Data Protection Act.



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.

## 2 REFUSALS BOOK

A written log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the venue manager/manageress.

The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.

The record of refusals will be retained for 12 months

## 3 STAFF TRAINING

Before commencing their duties all new staff must receive information and training concerning the sale of age-restricted products.

This training must cover their legal responsibilities and action to be taken in the event of suspicions being aroused that someone is purchasing or attempting to purchase an item under the legal age.

All employees will sign a letter to acknowledge that they have completed this training and have understood their responsibilities on this area.

This training should be reviewed and updated at reasonable intervals but at least annually.

## 4 CHALLENGE 25

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

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

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

'Challenge 25' posters shall be displayed in prominent positions at the premises

## 5 NOTICES

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of locals residents and businesses and leave the area quietly. Regulated entertainment is to be held indoors only and no music or speakers shall be provided to external areas of the premises. All music, both live and recorded, generated on the premises shall be relayed through a sound limiter set at a level which will not cause nuisance.

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

1 None



**From:**  
**To:** [Licensing](#)  
**Subject:** RE: 2024/00411/01SPRV | Premises Licence - Variation | 25 Oxford Street Southampton SO14 3DJ  
**Date:** 26 February 2024 08:06:00

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Dear Ms Young

Many thanks for getting back to me. Yes please, I would like the comments appended to my previous email to be treated as my representation.

With best wishes

Colin Beaven

Sent from my Galaxy

----- Original message -----

From: Licensing <[Licensing@southampton.gov.uk](mailto:Licensing@southampton.gov.uk)>

Date: 26/02/2024 07:53 (GMT+00:00)

To: Colin Beaven [REDACTED]

Subject: RE: 2024/00411/01SPRV | Premises Licence - Variation | 25 Oxford Street Southampton SO14 3DJ

Mr Beaven

We are happy to accept e-mail representations at any time. Would you like me to accept this e-mail as your representation or will you be submitting another e-mail.

Tricia Young

Licensing Officer

**Please note I am only in the office on Monday, Tuesday and Thursday at the present time**

**Southampton and Eastleigh Licensing Partnership**

**Southampton City Council**

[REDACTED]

[REDACTED]

E-mail: [licensing@southampton.gov.uk](mailto:licensing@southampton.gov.uk)

Web: [www.southampton.gov.uk/licensing](http://www.southampton.gov.uk/licensing) or [www.eastleigh.gov.uk/licensing](http://www.eastleigh.gov.uk/licensing)

Post: Licensing – Southampton City Council

Civic Centre Southampton SO14 7LY

---

**From:** Colin Beaven [REDACTED] >  
**Sent:** Friday, February 23, 2024 10:57 PM  
**To:** Licensing <[Licensing@southampton.gov.uk](mailto:Licensing@southampton.gov.uk)>  
**Subject:** 2024/00411/01SPRV | Premises Licence - Variation | 25 Oxford Street  
Southampton SO14 3DJ

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Dear Licensing Team

I've just tried to submit an objection to the current licensing application for 25 Oxford St, but the system failed. I wonder whether I could submit the text directly to you via email as an alternative under the circumstances? It follows at the end of this email.

Many thanks for your help.

With best wishes

Colin Beaven

5 Oxford Mews

Latimer St

SO14 3EE

Text for submission starts:

I think this application for extended business hours should be rejected. The City Council has recently designated Oxford Street a stress area; that alone is enough to indicate the danger that further hospitality-related activity would be the straw that breaks the camel's back.

There has been unremitting pressure from bar operators in recent months and years to exacerbate a volatile local environment by seeking more and more aggressive competition, at the expense of quality of life for local residents, the safety and security of the area, and the viability of businesses that do not participate in the relentless licensing arms race.

Evidence from the police shows that Oxford Street sees high levels of crime and disorder, especially late at night, when a number of establishments seek to outdo each other in antisocial practices. The presence of late night police patrols every weekend indicates that the situation threatens to get out of control and demonstrates that public safety is at risk. This is not just from disruptive behaviour or excessive alcohol consumption but also simply from volume and throughput, with an alarming quantity of establishments and patrons in such a concentrated area. Drivers park at random and obstruct access to garages, ignoring traffic restrictions and no entry signs, and taxis form long queues without the necessary space to do so, obstructing traffic in the process and dodging customers who spill onto roads from bars and pavements. It is all a fundamentally unsafe modus operandi, with overprovision that can border on the toxic. The council was right to make such proposals rebuttable through a stress area, and out of concerns about safety, public nuisance and the threat of crime and disorder the proposal should not go forward.

Ava's has been the subject of frequent specific complaints about intolerable noise pollution from local residents, especially when a DJ is in action for events. Existing hours of operation are more than adequate, and the prospect of turning Sunday as prolonged a noisefest as Thursday, Friday and Saturday seems irresponsible, and incompatible with the four stated licensing objectives and the introduction of the stress area.

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

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**From:**

[Licensing](#)

**Subject:**

2024/00411/01SPRV | Premises Licence - Variation | 25 Oxford Street Southampton SO14 3DJ

**Date:**

26 February 2024 21:25:39

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Hi,

I would like to raise an objection to the above licence application. I live very close to Ava's and I am concerned about having the bar extending their opening hours, 7 days a week, with a licence for music. The noise levels from Oxford Street already impact on those living nearby, and the people leaving in the early hours are also be a concern. Ava's has a tenancy for people to gather on the street outside late at night, and they are typically drunk, and loud. When there is live music or a DJ the noise levels are noticeably louder.

Oxford Street has recently been flagged as a stress area, and late night drinking is seen as a contributing factor. Having bars open later will only exacerbate this problem.

Regards,

Clare Castleman  
17 Oxford Mews  
Latimer Street  
Southampton  
SO14 3EE

### **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.

## Remote hearing protocol (Licensing and Gambling)

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### What is a remote hearing?

Any hearing where at least one of the below participate in the hearing by whatever means, other than written evidence, when not in the same room as the sub-committee. This includes meetings where all participants attend online or hybrid meetings where there is a mix of in-person and on-line attendance.

- Any member of the sub-committee involved in the hearing
- The applicant
- The licence holder
- Any legal representative for any party
- Any witness giving evidence orally at the hearing

The hearings can fall into one of three categories

- In person
- Hybrid
- Remote

In person hearing is when all parties are in the same room.

Hybrid meetings are when some of the participants are in the same room but at least one of the other parties to the hearing participate online.

A remote hearing is when all parties to the hearing participate online.

### Deciding if hearing is to be remote or not.

- The default position of the council is to hold remote hearings.
- Any request from either party to hold a particular type of hearing should be submitted at least 2 weeks in advance of the meeting where possible will be considered by Democratic Services in consultation with legal services and the Chair of the licensing committee.
- Requests for the style of hearings will be determined on a case-by-case basis. All requests will need to provide documented reasons for their request.
- The overriding factor in deciding on the style of the hearing is to ensure a fair hearing. Witnesses giving corroborative evidence provided by another are unlikely to have requests to give their evidence remotely accepted. Similarly, reasons of convenience will not be accepted as a reason to change a style of hearing.
- Any decision to refuse a particular style of hearing will be recorded in writing with reasons for the decision. This will be read out by the chair of the sitting sub-committee at the start of the agenda item it relates to.

### Access to the hearing remotely

Hybrid or Remote hearings will be held using the Microsoft Teams Platform.

If you are taking part in the hearing in any of the roles noted above you will be sent an invitation to join the MS Teams meeting.

The MS Teams meeting will be started 15 minutes before the hearing begins to be able to test the connection, audio and video feeds.

This invitation will specifically be for those taking part in the meeting and should not be shared.

Where required the hybrid/remote meeting will also be live streamed so that it can be watched remotely.

The link to view the hearing will be published on the council website and contained in any correspondence concerning the hearing.

### Connection Problems

If a participant is unable to connect to the meeting before the meeting starts they are to contact democratic services to try and resolve the issue. Legal advice will be required on how to proceed if the connection cannot be secured.

If a participant loses connection part way through, then the meeting should be adjourned until connection is resolved or decided to be heard at a different time.