
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 5 MARCH 2015

Present: Councillors Lewzey, Pope and Tucker

46. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meeting held on 12 February be approved and signed as a correct record.

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

RESOLVED that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the parties to the hearing, press and public be excluded at a predetermined point whilst the Sub-Committee reaches its decision.

49. **APPLICATION FOR VARIATION OF A PREMISES LICENCE - 1865, BRUNSWICK SQUARE, SOUTHAMPTON SO14 3AR**

The Sub-Committee considered an application for a variation of a premises licence in respect of 1865, Brunswick Square, Southampton SO14 3AR.

In accordance with Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005 the Sub-Committee determined to proceed with the hearing in the absence of a number of the residential objectors.

Mr P Hooper (Applicant), Mr Morris (Solicitor), Ms E Jeffery (Environmental Health – SCC), Mr Nolan (on behalf of his daughter, Ms K Nolan) and Mr J Corlass (residential objectors) were present and with the consent of the Chair, addressed the meeting.

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

RESOLVED that the application for a variation of a premises licence be granted in part and with conditions.

After private deliberation the Sub-Committee reconvened and the Chair read the following decision:-

All parties will receive formal written confirmation of the decision and reasons.

The Sub-Committee has considered very carefully the application for a variation of a premises licence at 1865, Brunswick Square. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy. Human Rights legislation was borne in mind whilst making the decision.

The Sub-Committee considered representations both written and given orally today, by all parties.

The Sub-Committee noted that a number of residential objectors were not in attendance and determined that the hearing should continue in their absence.

Their written representations were carefully considered and taken into account.

The Sub-Committee has determined that the application for a variation should be granted but only in part as follows:

1. A-J of the operating schedule Monday – Thursday and Sunday hours 10:00 to 00:00. Friday and Saturday 10:00 to 03:00 hours the following day. The opening hours of the premises Monday to Thursday and Sunday 10:00 to 01:00 and Friday and Saturday 10:00 to 03:30.

and with the addition of conditions as follows:

1. The imposition of the conditions agreed with Hampshire Constabulary as set out regarding i) dispersal policy and ii) last entry or re-entry, varied to be 01:00 on Friday and Saturday.
2. The premises will not operate the extended hours granted by this decision unless and until a suitable mechanism for the alarming of the fire doors to the premises has been agreed with environmental health and the fire authority, and is fully installed and operational. (Offered by the applicant)
3. If the alarm is triggered the applicant is to take immediate steps to investigate the cause and take appropriate action. A written log is to be kept and maintained of every incident when the fire doors are opened triggering the alarm. This must be produced to the police, environmental health, fire authority and the licensing authority upon request. (to promote the licensing objective of the prevention of public nuisance)
4. Regular inspections are to be made around the perimeter of the premises to ensure no audible amplified sound is being emitted from the premises when they have any regulated activities taking place. A log is to be kept of all inspections and this must be produced to the police, environmental health and the licensing authority upon request. (Offered by the applicant)
5. No loading or unloading shall take place at the premises between the hours of 00:00 to 08:00. (to promote the licensing objective of the prevention of public nuisance)

Reasons

The Sub-Committee noted the representations of the residents, all cited noise nuisance arising from the activities at the premises as being of considerable effect upon them and gave considerable weight to these representations.

It took into account the evidence of the environmental health officer of complaints that had been received and also noted that a noise abatement notice had been served on 14 January 2014.

It found on balance that there had been noise disturbance caused to residents by the activities at the premises.

However, it also noted the evidence of the environmental health officer that between 23 March 2014 and October 2014 there had been no complaints made.

The Sub-Committee carefully considered the representations made by and on behalf of the applicant, including the steps already taken to provide sound attenuation at the premises and the discussions with environmental health and the police. The Sub-Committee noted the statements by the applicant to the effect that that he would work with the responsible authorities and the residents to prevent any further problems.

On balance, weighing up all the evidence the Sub-Committee determined that a limited extension to the operating hours on a Friday and Saturday was appropriate with conditions in place to satisfy the licensing objective on prevention of public nuisance.

Local residents can be reassured that in the event that the partial grant of the variation does in fact lead to issues of concern, relevant to the licensing objectives, a review may be initiated where evidence of the same can be considered and may result in appropriate steps being taken to address them.

There is a right of appeal for all parties to the Magistrates' Court. Formal notification of the decision will set out that right in full.

50. **APPLICATION FOR VARIATION OF A PREMISES LICENCE - MANOR SERVICE STATION, 123 BITTERNE ROAD WEST, SOUTHAMPTON SO18 1AR**

The Sub-Committee noted that the applicant's solicitor had requested an adjournment and that neither the applicant nor any residential objectors were in attendance.

RESOLVED that the application be adjourned to a future date.