
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 14 AUGUST 2019

Present: Councillors Mrs Blatchford, B Harris and Renyard

13. **ELECTION OF CHAIR**

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

14. **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 the public, unless otherwise excluded by Category 4 of paragraph 10.4 of the Council's Access to Information Procedure Rules, would be invited to return immediately following that private session at which time the matter would be determined and the decision of the Sub-Committee announced.

15. **APPLICATION FOR GRANT OF A PREMISES LICENCE - PORTER'S, UNIT 1 HAVELOCK CHAMBERS, 20-22 QUEENS TERRACE, SOUTHAMPTON SO14 3BQ**

The Sub-Committee considered the report of the Service Director of Transactions and Universal Services for an application for a new premises licence in respect of Porter's, Unit 1 Havelock Chambers, 20-22 Queens Terrace, Southampton SO14 3BQ.

Chris Lawbuary (Applicant) was 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 premises licence be granted subject to the applicant's revised conditions (as further amended by agreement at the hearing) set out within the report.

After private deliberation the Sub-Committee reconvened and the Chair read out 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 premises licence at Porter's, Unit 1 Havelock Chambers, 20-22 Queens Terrace, Southampton SO14 3BQ. It 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. Human rights legislation has been borne in mind whilst making the decision.

The Sub-Committee was made aware that the application had been amended so that revised conditions had been submitted to the satisfaction of the Licensing Authority. On that basis there were no representations from any of the responsible authorities.

Residential representations had been received leading to the hearing. The Sub-Committee accepted legal advice provided during the course of the hearing that those parts of the representation relating to planning issues and/or breaches of the planning consent cannot be taken into consideration when making the decision relating to the premises licence. The Sub-Committee therefore had to concentrate its mind upon the four licensing objectives.

The applicant, Chris Lawbuary, attended and addressed the Sub-Committee. No objectors attended. The applicant agreed to further amend the revised conditions as set out below. Although no objectors attended, the Sub-Committee gave full consideration to the written representations made.

Having considered all the above evidence, the Sub-Committee determined to grant the application subject to the revised conditions as further amended at the hearing as follows:

- Condition 1 – the word “drinks” to be replaced by “alcohol”.
- Conditions 8 and 9 – the word “statutory” to be inserted in front of the word “nuisance”.

Full details of these conditions will be set out in the Decision letter.

Reasons

The Sub-Committee heard that the intention of the applicant is to run a premises for a specific clientele. He seeks to attract an older customer who appreciates a drink, ancillary to food, and does not aim to get drunk.

Whilst the Sub-Committee acknowledged the concerns raised by the objectors, these related to historic issues at a different premises. There was no evidence to support the concerns raised in their representations.

Should the premises fail to operate in the way described and this leads to issues impacting upon the licensing objectives, a review may be initiated by residents as well as responsible authorities. This may result in appropriate steps being taken to address the issues of concern at that stage.

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.