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SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 12 JANUARY 2022

Present: Councillors G Galton, McEwing and Noon

33. **ELECTION OF CHAIR**

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

34. **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 the Licensing Act 2003 (Hearings) Regulations 2005, 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.

35. **APPLICATION FOR NEW PREMISES LICENCE - DESIGN CHAPEL, CEMETERY ROAD, SOUTHAMPTON SO15 7AF**

The hearing was held as a virtual meeting using Microsoft Teams and was streamed live online for the press and public to view via the Live Events platform.

The Sub-Committee considered very carefully the report of the Service Director – Communities, Culture and Homes and all representations received in writing prior to the hearing, including an additional statement provided to the panel on 11 January 2022. The Sub-Committee considered all verbal representations made to it at the hearing.

Due regard was 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.

The Crime and Disorder Act 1998 Section 17, The Human Rights Act 1998, and the Equality Act 2010 were borne in mind by the Sub Committee whilst making their decision.

The Sub-Committee duly noted that no representations were received from the Responsible Authorities.

The Sub-Committee accepted legal advice provided during the course of the hearing, that planning considerations and the requirements of the lease could not be taken into consideration. Legal advice was further provided in order to clarify the legislative requirements for a premises licence. In light of all of the above, the Sub-Committee:

RESOLVED to grant the premises licence with reduced hours as follows:-

All licensable activity to take place within the hours of:

Monday to Sunday – 1600 hours to 2100 hours.

Reasons

The Sub-Committee was mindful that the legislation specifically restricts the grounds on which it 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

The Sub-Committee considered 72 written representations and all oral representations at the hearing. Further, it noted that no representations were made by any of the Responsible Authorities.

The Sub-Committee was mindful that the application for live and recorded music and alcohol sales between the hours of 1200 and 2300, seven days a week, at the Design Chapel within Southampton Cemetery had been met with strong local opposition.

The Sub-Committee, while not tasked with planning applications and, with no authority over them, noted the intended use of the premises had been agreed upon condition and, to date, business at the Chapel had not intruded upon the peace of the area surrounding the Chapel. A number of Representors congratulated the Applicant on his management and upkeep of the Chapel over the past seventeen years.

The Sub-Committee noted in several representations the repeated belief that the premises licence, if granted, would be inappropriate, and would likely be incommensurate with those wishing to use the Cemetery for solace and quiet contemplation.

The representations objecting to the premises license centred on matters concerning the potential for a breach of licensing objectives.

Members of the public were assured that where a licence is granted, an application for a review of that licence could be made where there was evidence that the objectives were not being met.

Public safety within the grounds of the Cemetery was raised as a concern, given that there is no lighting in the area of the Chapel after dark.

The Sub-Committee noted steps that the Applicant had taken to prevent any breach of the licensing objectives. Further, it was assured of the intention of the Applicant to provide guidance to those who book use of the facility.

The Sub-Committee also noted that the venue would not be open to the public, and would operate a booking procedure, and limit numbers attending events. The Applicant also stated that no children were to be invited to events as they would be business meetings.

All things taken into consideration the Sub-Committee felt that the application should be granted subject to the reduced hours.

The Sub-Committee noted reports of apparent misinformation on social media concerning the application. This was not helped by an IT issue preventing the application being viewed for a short period. However, the Sub-Committee was satisfied that all statutory requirements had been met. Further, the application form completed by the Applicant was a standard legal form.

Recommendation

In view of issues raised by Representors, the Sub-Committee strongly recommended that the licence holder be cautious about the type of events and the nature of appropriacy of events permitted and that they should not be allowed to cause nuisance or disturbance within the Cemetery.

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.

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