

# Licensing (Licensing and Gambling) Sub-Committee

## ADDITIONAL INFORMATION

Wednesday, 24th April, 2024  
at 10.00 am

## DECISION

### **Contacts**

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## ADDITIONAL INFORMATION

### 6 **DECISION** (Pages 1 - 4)

Tuesday, 24 April 2024

Service Director, Legal & Governance

## LICENSING (LICENSING AND GAMBLING) SUB – COMMITTEE DECISION OF THE MEETING HELD 24 APRIL 2024

### APPLICATION FOR A NEW PREMISES LICENCE MUMBAI STREET KITCHEN, 22 BEDFORD PLACE, SOUTHAMPTON, SO15 2DB

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

This hearing was held as a hybrid meeting using Microsoft Teams and at the Civic Centre, Southampton.

The Sub-Committee has considered very carefully the application as submitted for a new premises licence at Mumbai Street Kitchen, 22 Bedford Place, Southampton, SO15 2DB.

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 Crime and Disorder Act 1998 and the Equality Act 2010 were borne in mind whilst making the decision. Representations by all the parties present at the hearing as well as written representations were also fully taken into consideration.

The Sub-Committee noted that conditions had been agreed by Hampshire Constabulary and Environmental Health with the Applicant. No other responsible authorities had made representations. Five residents had made representations.

At the outset the Applicant amended the application so that the licensable activity of supply of alcohol and recorded music was sought for the following hours:

11-00 a.m. to 23:00 p.m. every day; with the same opening hours for the premises.

The Sub-Committee heard oral evidence from the applicant and from three of the residents. The written representations were also considered.

Having considered all of the above, the Sub-Committee has:

**RESOLVED** to grant the premises license in accordance with the amended application and subject to the conditions agreed with Hampshire Constabulary and Environmental Health. These are set out in the email from Matt Taylor of Environmental Health to the applicant dated 1<sup>st</sup> March 2024 and the email from PC Hawley to Licensing dated 28<sup>th</sup> February 2024.

#### **Reasons**

This is an application for a new premises in a cumulative impact area.

The Sub-Committee received legal advice that the presumption of grant of a licence, in the legislation is reversed in a cumulative impact area so that it can only grant the

application if concerns raised cannot be met by conditions and a grant will not adversely add to the impact in the area.

Advice was also received that in line with the statutory guidance as responsible authorities Hampshire Constabulary and Environmental Health should be deemed to be experts in their field. Both agreed conditions which in their view met the licensing objectives.

The Sub-Committee has carefully considered the written objections and oral representations made at the hearing.

Generally, residents are concerned that the grant of a Premises Licence will lead to an increase in public nuisance, crime and anti-social behaviour.

The Sub-Committee has considered all representations but concludes that there is no evidence of a real risk of a breach of the Licensing Objectives. The Sub-Committee acknowledges the genuine concerns of the residents but is limited to dealing with the application in accordance with the Licensing Objectives. The Sub-Committee noted that in the absence of concerns raised by the police and environmental health or proof provided by any of the residents, concerns could only be classed as speculative.

The Sub-Committee formed the view that the applicant had lengthy, good experience in running restaurants and believed the premises would be responsibly and well run. Conditions provide for signage requesting that patrons leave quietly. However, beyond that the premises is not responsible for what those patrons may then do or where they may then go.

The premises currently allows patrons to bring in their own alcohol and the Sub-Committee agreed that this unregulated activity is much more difficult to control than direct sales by the premises. A premises licence is likely to lead to less alcohol intake with greater control by the premises and would therefore not adversely add to the impact in the area.

The Sub-Committee noted that the applicant was keen to work with local residents and other premises and recommends that it does so perhaps providing a point of contact for any issues that may arise so that they can be addressed quickly.

Residents can be re-assured that there is a robust review system under the Licensing Act so that there is a general right to review a premises licence, which can be brought by residents or responsible authorities. 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 all parties to the Magistrates' Court. Formal notification of the decision will set out that right in full.

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