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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 4 NOVEMBER 2020

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Present: Councillors McEwing, Noon and Renyard

Apologies: Councillors

19. **ELECTION OF CHAIR**

In accordance with S.14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005, the hearing was held using video conferencing and the public were able to view a live stream of the proceedings using a web link published on the council website. This was in the interest of public safety given the isolation restrictions imposed by the Prime Minister as a result of the public health risks due to the Coronavirus or Covid-19. As a result, the Council offices were closed to the public and this licensing sub-committee was held remotely with parties to the hearing participating by way of conference call.

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

20. **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

Cllr McEwing stated that she had attended the bar in 2019 but did not know the applicant.

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

**RESOLVED** that the minutes of the meeting held on 23 September 2020 be approved and signed as a correct record.

22. **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. Following that private session, at which time the matter would be determined, written confirmation of the decision of the Sub-Committee would be distributed to all parties to the hearing.

23. **APPLICATION FOR VARIATION OF PREMISES LICENCE - BARSO16, 228A BURGESS ROAD, SOUTHAMPTON SO16 3AY**

The Sub-Committee considered the report of the Service Director – Communities, Culture and Homes for an application for variation of a premises licence in respect of Bar SO16, 228A Burgess Road, Southampton SO16 3AY.

Baljit Mandair, Designated Premises Supervisor, Matt Reeve, Manager of premises, Jas Mandair, freeholder of building, Lidia Harrington and Mike Bull, Local Residents 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 premises licence be granted subject to an additional condition regarding closure hours within the back garden.

Following that private session, it was noted that written confirmation of the decision of the Sub-Committee would be distributed to all parties to the hearing.

After private deliberation the Sub-Committee had determined the matter and all parties to the hearing were notified of the following decision:

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

This 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 has considered very carefully the application for variation of the premises licence at Bar SO16 228A Burgess Road Southampton SO16 3AY, both in the written report presented to it, and by those attending the hearing having made a representation.

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.

The Sub-Committee noted that representations objecting to the application had been made by three local residents and that there were 20 representations in support of the application. No responsible authority, including the police, had made representations.

In light of all the above, the Sub-Committee has determined to grant the application, but has decided, having explored this at the hearing with the applicant who has confirmed their agreement to it, to impose a condition as follows:

The back garden area of the premises are to be closed and patrons are to move indoors from that area at 2300 hours Monday to Saturday inclusive. This is to prevent noise nuisance to neighbouring residents,

### Reasons

The Sub-Committee heard from the applicant, the premises' manager and the Designated Premises Supervisor.

It also heard from two persons who had made representations.

The Sub-Committee also carefully considered the written objections, and the representations in support of the application.

Generally, the objectors are concerned that any additional extension to licensable activities will lead to an increase in public nuisance. Accordingly, the Sub-Committee had to determine to what extent, if at all, the proposed variation would lead to additional issues at the premises.

The Sub-Committee noted that the police had not made any representation on this application, and considered that there was not any evidence of significant weight concerning anti-social behaviour. Further it noted that whilst the objectors were concerned as to noise nuisance, other residents including at the hearing had no such concerns.

Nonetheless, the Sub-Committee explored the issue of noise in the back garden area with the applicant who confirmed his agreement to the imposition of a condition whereby that area would be closed at 2300 hours Monday to Saturday inclusive, with patrons in that area moving indoors at that time, to prevent noise nuisance to neighbouring residents.

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.