

# Licensing (Licensing and Gambling) Sub-Committee

Wednesday, 4 November 2020

at 4.00 pm

## PLEASE NOTE TIME OF MEETING

Virtual Meetings - Virtual meeting

This meeting is open to the public

### Members

Three Members drawn from the Licensing Committee

### Contacts

Democratic Support Officer

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## **PUBLIC INFORMATION**

The Members of the Licensing Committee are Councillors Bunday, G Galton, B Harris, Kataria, Laurent, McEwing, Noon, Renyard, Spicer, and Streets.

### **Terms of Reference**

The Sub-Committee deals with licences for which the Council is responsible under the Licensing Act 2003 and Gambling Act 2005, including:-

- Determination of applications for review of premises licences and club premises certificates;
- Determination of representations to applications for premises licences and club premises certificates, variations and various permits;
- Determination of police objections to applications for:
  - Variation of designated premises supervisors
  - Transfer of premises licences
  - Personal licences for the sale of alcohol
- Determination of objections to temporary event notices.

### **Relevant Representations**

Those who have made relevant representations may address the meeting about the matter in which they have an interest. New matters, not raised within a written representation, can not be relied upon at the hearing.

**When dealing with Licensing Act matters the Sub-Committee must only take into account the following statutory Licensing Objectives:-**

- prevention of crime and disorder
- public safety
- prevention of public nuisance
- protection of children from harm

**Likewise, when dealing with Gambling Act matters the Sub Committee must only take into account the statutory Licensing Objectives below:-**

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

Southampton: Corporate Plan 2020-2025 sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

**Fire Procedure:-** In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

**Access:-** Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

**Smoking policy:-** The Council operates a no-smoking policy in all civic buildings.

**Mobile Telephones:-** Please switch your mobile telephones to silent whilst in the meeting

**Use of Social Media:-** The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting. By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public. Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so. Details of the Council's Guidance on the recording of meetings is available on the Council's website.

### **Dates of Potential Meetings Municipal Year 2020/21**

Meetings are scheduled on a weekly basis usually at 4pm on a Wednesday evening.

## CONDUCT OF MEETING

### **Terms of Reference**

The terms of reference are contained in the Council's Constitution.

### **Business to be discussed**

Only those items listed on the attached agenda may be considered at this meeting.

### **Rules of Procedure**

The meeting is governed by the Licensing Act 2003 (Hearings) Regulations 2005 and the Council Procedure Rules as set out in Part 4 of the Constitution, so far as it is applicable.

### **Quorum 3**

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

## **DISCLOSURE OF INTERESTS**

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

### **DISCLOSABLE PECUNIARY INTERESTS**

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

## **Other Interests**

A Member must regard himself or herself as having an 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

## **Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

## AGENDA

### 1 **ELECTION OF CHAIR**

To appoint a Chair for the purposes of this meeting.

### 2 **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

To note any changes in the membership of the Sub-Committee made in accordance with the Licensing Act 2003.

### 3 **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

### 4 **STATEMENT FROM THE CHAIR**

### 5 **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)** (Pages 1 - 6)

To approve and sign as a correct record the Minutes of the meeting held on 23 September 2020 and to deal with any matters arising.

### 6 **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

At a predetermined point during the consideration of all items the Sub-Committee may 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, will be invited to return immediately following that private session at which time the matter will be determined and the decision of the Sub-Committee will be announced.

### 7 **APPLICATION FOR VARIATION OF PREMISES LICENCE - BARSO16, 228A BURGESS ROAD, SOUTHAMPTON SO16 3AY** (Pages 7 - 70)

Application for Variation of Premises Licence in respect of Bar SO16, 228A Burgess Road, Southampton SO16 3AY.

Tuesday, 27 October 2020

Executive Director Communities, Culture & Homes

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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 23 SEPTEMBER 2020

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Present: Councillors Bunday, G Galton and Renyard

15. **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 Reynard be elected as Chair for the purposes of this meeting.

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

**RESOLVED** that the minutes of the meeting held on 12 August 2020 be approved and signed as a correct record.

17. **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.

18. **APPLICATION FOR A SUMMARY REVIEW OF A PREMISES LICENCE-IROKO LOUNGE, 11 ONSLOW ROAD, SOUTHAMPTON SO14 0JD**

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 certificate of Superintendent Whiting, the application for summary review and the interim steps imposed at the previous Hearing. In addition, the representations by all the parties present at the hearing as well as written representations were also fully taken into consideration.

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. The Human Rights Act 1998, The Equality Act 2010 and The

Crime and Disorder Act 1998 Section 17 have been considered whilst making the decision.

The Sub-Committee has considered all the options set out in section 53B of the Licensing Act 2003 (namely):

- modification of the current conditions of the premises licence
- exclusion of the sale of alcohol from the current permissions of the premises licence
- removal of the designated premises supervisor from the licence
- suspension of the licence.

The application for summary review brought by the Police was supported by Trading Standards, Environmental Health, the Licensing Authority and Mr Chester a local resident. The Sub-Committee heard from Mr Day for the Licence Holder, PC Swallow, Mr Bates for the Licensing Authority and Mr Chester. Latterly the sub-committee was also able to hear from Mr Rahman the Licence Holder.

Due regard has been 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. Human rights legislation has been borne in mind.

The Sub-Committee has also considered the interim steps taken on 1 September 2020 and whether they should continue.

The sub-Committee also took into account that a dialogue between the Licence Holder and the police had produced conditions that were agreeable to both. In light of all of the above the Sub-Committee has determined to suspend the premises licence up to and including 18<sup>th</sup> November 2020. The interim step of suspension will remain in place until this decision takes effect.

At the end of the suspension the licence will be subject to the following revisions to its conditions:

That the hours be varied as follows:

The sale of alcohol from 10:00 until 23:30 hours daily (for consumption on the premises only)

Hours the premises are open to the public to be from 10:00 until 00:00 hours each day.

The provision of late night refreshment from 23:00 until 00:00 hours each day.

The removal of all conditions (embedded restrictions) in Annex 2 on the current licence but with the replacement of condition 3 with the following:

“The premises shall operate as a restaurant and to that end:

Substantial meals appropriate for the time of day shall be available at all times that the premises are open to the public;

The premises shall at all times be laid out with tables and chairs for dining;

There shall be a full waiter/waitress service;

The sale of alcohol shall only be permitted to customers who are either:

Intending to dine at the premises;



Are in the process of eating a meal; or  
Who have on that occasion dined at the premises.  
All customers who are consuming alcohol shall be seated at tables and chairs.”

The following conditions to be added:

### CCTV

A colour recording CCTV system that captures images from the main public areas shall be fully operational whilst licensable activities are taking place.

The system shall be able to cope with all levels of illumination.

The recording equipment shall be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.

The system shall be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area.

The system clock shall be checked regularly for accuracy taking account of GMT and BST.

Digital systems shall have sufficient storage capacity for 28 days evidential quality recordings (minimum 4 frames per second).

The images produced shall be date and time stamped.

A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.

An additional recording CCTV camera shall be installed and fully operational whilst the venue is open to the public to cover the area immediately outside the front of the premises.

It is important that the Police are able to access data from the systems quickly and easily and therefore provision shall be made that at all times a person is in attendance who is nominated by the data controller who has access to the secure area who is able to operate the equipment

Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of nominated staff.

Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems) and to produce images to the police responsible authority for the purpose of the prevention and detection of crime as long as the request is lawful and complies with GDPR.

In the event of a technical failure of the CCTV equipment, the premises licence holder or DPS shall notify the police licensing department responsible for the area within 24 hours.

### STAFF TRAINING

Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication.

Records of such training which must be signed and dated by the member of staff who has received that training.

All staff will receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.

In addition to their training a written test related to the training given will be conducted before the staff member is permitted to sell or authorise alcohol. The test

will consist of a minimum of ten questions of which the pass rate is 80%. Anyone who fails to reach the prescribed pass rate will be retrained and re-tested. Anyone not attaining the pass rate will not be permitted to sell or authorise the sale of alcohol until the pass rate is attained. There will be a minimum of two sets of questions to be used in the training which will be rotated upon each subsequent six month training session.

All training records will be made immediately available for inspection by Hampshire Constabulary and any responsible Authority upon request.

Training records will be kept for a minimum period of two years. Training records will be kept on the licensed premises to which they relate to.

#### CHALLENGE 25

There shall be a Challenge 25 policy operating at the premises.

Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.

Acceptable identification for the purposes of age verification will include a photo card driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.

If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

'Challenge 25' posters shall be displayed in prominent positions at the premises.

#### REFUSALS BOOK

A written log shall be kept of all refusals including refusals to sell alcohol.

The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the venue manager/manageress.

The refusals log shall be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.

The record of refusals shall be retained for 12 months.

The following conditions to be considered by the sub-committee (not expressly requested by the police):

Mr Malcom Forbes, who organised the event on 28<sup>th</sup> August 2020 at the premises and is the current leaseholder, shall not be permitted to be involved in the provision of any licensable activity in the premises, either directly or indirectly.

No customer who has booked the premises for any private function shall be permitted to bring into the premises any noise amplification equipment.

#### **Reasons:**

The Sub-Committee considered very carefully all of the options available to it in accordance with Sections 53a, 53b and 53C of the Act.

The Sub-Committee was concerned that this was a very serious incident which breached licensing conditions and under the current pandemic placed many people at risk. Whilst it was Mr Forbes who organised the event, Mr Rahman remained the DPS

and had duties and responsibilities in this regard in which he had failed. He appeared to have no knowledge of the event and took no responsibility. The Sub-Committee deliberated long and hard and came very close to revoking the licence.

However, it was noted that there had been a great deal of collaboration between the licence holder and the police to agree conditions. Hampshire Constabulary confirmed that on the basis that these conditions were fully complied with, their concerns regarding the crime and disorder licensing objective would be satisfactorily addressed. With this in mind there would be no objection to the premises reopening.

The Sub-Committee was reminded that paragraph 9.12 of the statutory guidance states that the police provide the main source of advice on the crime and disorder objective. As such the Sub-Committee agreed to follow the police advice and allow the premises to reopen with the agreed conditions in place as amended by the Sub-Committee.

The Sub-Committee had listened to the concerns of the local resident regarding issues of noise and with this in mind to address the licensing objective of prevention of public nuisance decided to limit the hours for sale of alcohol and for provision of late night refreshment.

The Sub-Committee reviewed the steps imposed at the interim steps hearing and has determined that the suspension should remain until this decision takes effect.

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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# Agenda Item 7

**DECISION-MAKER** LICENSING (LICENSING & GAMBLING) SUB COMMITTEE

**SUBJECT** HEARING TO CONSIDER AN APPLICATION FOR VARIATION OF A PREMISES LICENCE –  
**Bar SO16 228A Burgess Road Southampton SO16 3AY**

**DATE OF HEARING** 4<sup>th</sup> November 2020 – Online – Time 16.00

**REPORT OF** SERVICE DIRECTOR – COMMUNITIES,CULTURE AND HOMES

**E-mail** licensing@southampton.gov.uk

Application Date : 17th September 2020 Application Received 17th September 2020

Application Valid : 17th September 2020 Reference : **2020/02886/01SPRV**



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## ***Representations from Responsible Authorities***

<b>Responsible Authority</b>	<b>Satisfactory?</b>
Safeguarding Children	Yes
Fire Service	Yes
Environmental Health - Licensing	Yes
Home Office	No Response

Building Control	No Response
Public Health Manager	No Response
Police - Licensing	No Response
Trading Standards	No Response

### ***Other Representations***

<b>Name</b>	<b>Address</b>	<b>Contributor Type</b>
Mr Malcolm Harvey	1 Bealing Close, Southampton SO16 3AW	<b>Resident</b>
Mr. Geoffrey Miller	6 Bealing Close, Southampton SO16 3AW	<b>Resident</b>
Mr.Chris Harvie-Smith	5 Bealing Close, Southampton SO16 3AW	<b>Resident</b>

### ***Other Representations - Supporting Application***

<b>Name</b>	<b>Address</b>	<b>Contributor Type</b>
Mr. Ryan Keenan	89 High Road, Southampton SO16 2HY	<b>Resident</b>
Mr. Matthew Reeve	228B Burgess Road, Southampton SO16 3AY	<b>Resident</b>
Mr. Trevor Davies	Ground Floor Front 40 - 41 Addis Square, Portswood Road Southampton SO17 2NE	<b>Other</b>
Mr. Paul Gregory	138 Bluebell Road, Southampton SO16 3LP	<b>Resident</b>
Mr. Joel McKay	Flat 4 40A Oxford Street, Southampton SO14 3DP	<b>Other</b>
Mr. Steve Beale	225 Leaside Way, Southampton SO16 3EQ	<b>Other</b>
Mrs. Mandip Kaur	6 Glenwood Avenue, Southampton SO16 3QA	<b>Other</b>
Mr. Juggy Singh	Annexe, 4A Glenwood Avenue, Southampton SO16 3QA	<b>Other</b>
Ms. Vicky Syson	50 Arnold Road, Southampton SO17 1TG	<b>Other</b>
Mrs Sarah-Jane Emmett- Osborn	66 Leaside Way, Southampton SO16 3EN	<b>Other</b>
Mrs. Sarah Emmett-Osborn	66 Leaside Way, Southampton SO16 3EN	<b>Other</b>
Mr. Mike Bull	11 Ethelburt Avenue, Swaythling Southampton SO16 3DG	<b>Resident</b>
Mr. Jasbir Mandair	26 Leigh Road, Eastleigh SO50 9DT	<b>Other</b>
Mr. Baljit Singh Mandair	6 Glenwood Avenue, Bassett, Southampton SO16 3QA	<b>Registered Interest in Premises</b>
Mrs Monika Piec	20 Bealing Close, Southampton SO16 3AW	<b>Resident</b>

Miss Agata Jach	4 Shirley Avenue, Southampton SO15 5RF	<b>Other</b>
Miss Ewelina Jach	Ground Floor Flat 1, 4 Shirley Avenue, Southampton SO15 5RF	<b>Other</b>
Mr .Luke Rogers	43 Bealing Close, Southampton SO16 3AX	<b>Resident</b>
Miss Caroline Goitia	15 Bealing Close, Southampton SO16 3AX	<b>Resident</b>
Ms. Lidia Harrington	40 Bealing Close, Southampton SO16 3AX	<b>Resident</b>

## ***Legal Implications***

The legislation specifically restricts the grounds on which the sub-committee may refuse an application for variation of a premises licence, or impose conditions. The legislation provides for a presumption of grant of an application for variation of 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

An application may be refused in part and thereby only permit some of the licensable activities sought.

An applicant for variation of a premises licence whose application has been refused, or who is aggrieved by conditions imposed, may appeal against the decision to the Magistrates' Court. Any other person, who made a valid representation, may appeal to the Magistrates' Court against the decision to grant the application or against any conditions imposed.

In considering this application the sub-committee is obliged to consider the application in accordance, in particular, with both the Licensing Act 2003(Hearings) Regulations 2005 (as amended) and the rules of natural justice

The practical effect of this is that the sub-committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

Only persons that made relevant representations or their representative, within the time limits, will be allowed to present evidence and this will be restricted to the points raised in their written representation. Any evidence used to expand upon specific points already raised in a written representation should be served upon all parties in good time before the hearing date in order to allow proper consideration. A failure to properly serve any such additional evidence in advance is likely to mean it cannot be produced or relied upon at the hearing.

The sub-committee must also have regard to:

- *The Crime and Disorder Act 1998*  
Section 17 of the Crime and Disorder Act 1998 places the sub-committee under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
- *The Human Rights Act 1998*  
The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the sub-committee to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights

protected by the Act. Any action undertaken by the sub-committee that could have an effect upon another person's Human Rights must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the sub-committee which affect another's rights must be no more onerous than is necessary in a democratic society. The matters set out in this report must be considered in light of the above obligations.

Copies of the application for variation of a premises licence and the representations to it are annexed to this report.

## **Equality Act 2010**

Section 149 of the Equality Act 2010 requires the Council to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act. It also requires the Council to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This means having due regard to the need to removing or minimising disadvantages suffered, taking steps to meet the needs of persons, encouraging persons to participate in public life, tackling prejudice and promoting understanding. The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

## **SUMMARY**

<b>Applicant</b>	<b>Bar SO16 Ltd.</b>
<b>Designated Premises Supervisor</b>	Mr. Baljit Singh Mandair

This is a full variation application to allow the following:

- 1) Use of the rear and front garden by patrons, providing tables and chairs, for use as a smoking area and to allow patrons to use the rear and front garden to consume alcohol.
- 2) Add alcohol off sales.
- 3) To extend the supply of alcohol as follows:  
Monday –Thursday 11:00 -23:00 (extra half hour)  
Friday and Saturday 11:00 -23:30 (extra hour)  
Sunday 11:00 -22:00 (extra half hour)

The premises was granted a licence on 18<sup>th</sup> December 2019, after a licensing hearing and agreed conditions with the Police and Environmental Health Dept.

The current licence does have the below conditions regarding the outside area.

### 10. External Area/Entrance

There should be no licensable activities in the rear external yard/area or patrons allowed to have access to it.

A copy of the current licence and all conditions is attached to this report.



The application has received three valid objection representation and twenty valid supporting letters. Hampshire Constabulary have made no comments to this application.

This report includes the following documents:

Application form

Plan

Current Premises Licence

Objecting Representations

Supporting Representations

Hearing Procedure Notes

**SOUTHAMPTON AND EASTLEIGH LICENSING PARTNERSHIP**  
**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Bar SO16 Ltd

*(Insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

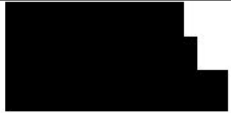


<b>Premises licence number</b> 2019/05973/01SPRN
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**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description Bar SO16 228A Burgess Road			
Post town	Southampton	Postcode	SO16 3AY

Telephone number at premises (if any)	
Non-domestic rateable value of premises	££9,200.00

**Part 2 – Applicant details**

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?  Yes  No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)  Yes  No

**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

To allow use of the rear and front garden by patrons, providing tables & chairs, for use as a smoking area and to allow patrons to use the rear and front garden to consume alcohol (point 10 of licence). Also to provide sale for consumption off the premises.

To vary the hours for the retail supply of alcohol as follows:

Monday – Thursday 11:00 - 23.00  
Friday – Saturday 11:00 - 23:30  
Sunday 11:00 - 22.00.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

## Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

### **Provision of regulated entertainment (Please see guidance note 3)**

**Please tick all that apply**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

							<input type="checkbox"/>
							<input type="checkbox"/>
							<input type="checkbox"/>

)

							<input type="checkbox"/>		
							<input type="checkbox"/>		
							<input type="checkbox"/>		
				)					

**C**

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Wed			
Thur			
Fri			
Sat			
Sun			

**D**

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)					
Mon								
Tue								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat								
Sun								



**E**

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the</u> <u>performance of live music at different times to those listed in the</u> <u>column on the left, please list</u> (please read guidance note 7)		
Sat								
Sun								

**F**

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon	1100	2330			
Tue	1100	2330	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Wed	1100	2330			
Thur	1100	2330	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri	1100	2400			
Sat	1100	2400			
Sun	1100	2230			

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 8)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish		
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)	
Tue				
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 6)	
Thur				
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)	
Sat				
Sun				

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 6)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 5)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 6)		
Thur					
Fri	1100	2330	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Sat	1100	2330			
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 6)		
Mon	11:00	2300			
Tue	11:00	2300			
Wed	11:00	2300			
Thur	11:00	2300			
Fri	11:00	23:30			
Sat	11:00	23:30			
Sun	11:00	2200			
			<b><u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)		

# K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).**

No change from existing Premises Licence

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b>State any seasonal variations</b> (please read guidance note 6)
Day	Start	Finish	
Mon	1100	2330	
Tue	1100	2330	
Wed	1100	2330	
Thur	1100	2330	
Fri	1100	2400	
Sat	1100	2400	
Sun	1100	2230	
<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 7)			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Annex 2 Condition 10 - There should be no licensable activities in the rear external yard/area or patrons allowed to have access to it.



Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

As per existing conditions and Operating Schedule.

**b) The prevention of crime and disorder**

As per existing conditions and Operating Schedule.

**c) Public safety**

As per existing conditions and Operating Schedule.

**d) The prevention of public nuisance**

As per existing conditions and Operating Schedule.

**e) The protection of children from harm**

As per existing conditions and Operating Schedule.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**



**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	17 September 2020
Capacity	Solicitor acting for the applicant

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent** (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 15)			
Lisa Badger Eric Robinson Solicitors Regency House 2-4 Southgate Street  DX 2518 Winchester			
<b>Post town</b>	<b>Winchester</b>	<b>Post code</b>	<b>SO23 9EF</b>
<b>Telephone number (if any)</b>			
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b>			
			

## **Privacy statement**

The Council is collecting this information in order to perform this service or function, and if further information is needed in order to do so, you may be contacted using the details provided.

In performing this service, the Council may be required to share your information with other organisations or departments, but it will only do so when it is necessary in order for the service to be provided.

The Council may also share your personal information for the purposes of the prevention, investigation, detection, or prosecution of criminal offences, but will not share your personal information, or use it for this, or any other purpose, unless provided for by law.

For more detail about how we handle your personal data please see our privacy policies:

For Southampton City Council applications: <http://www.southampton.gov.uk/privacy>

For Eastleigh Borough Council applications: <https://www.eastleigh.gov.uk/privacy>

## Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. You do not have to pay a fee if the **only** purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.

- any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
  11. Please list here steps you will take to promote all four licensing objectives together.
  12. The application form must be signed.
  13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
  14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
  15. This is the address which we shall use to correspond with you about this application.



**FIRE SYMBOL KEY CHART**

	Fire		'Break Glass' Fire Alarm Call Point
	Extinguisher		Fire alarm sounder
	Emergency / Fire Exit		Smoke Detectors
	Emergency lights		Heat Detector
	Fire blanket		

red line denotes licensed area

Proposed Ground Floor Licensing Plan  
 Drwg No: 019/10/101 rev00  
 228a Burgess Road  
 Southampton Hampshire  
 SO16 3AY  
 Scale 1:50 @ A3  
 Drwg prepared by Reclaimed Revolution



**Schedule 12  
Part A  
Premises Licence**

Regulation 33,34

**Premises licence number** 2019/05973/01SPRN

**Part 1 – Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description,**  
**Bar SO16**  
228A Burgess Road  
Southampton  
SO16 3AY

**Telephone number**

**Where the licence is time limited the dates**  
Not applicable

**Licensable activities authorised by the licence**  
Recorded music  
Supply by retail of alcohol

**The times the licence authorises the carrying out of licensable activities**

Recorded music	
Monday	11:00 - 23:00
Tuesday	11:00 - 23:00
Wednesday	11:00 - 23:00
Thursday	11:00 - 23:00
Friday	11:00 - 23:00
Saturday	11:00 - 23:00
Sunday	11:00 - 22:00
Supply by retail of alcohol	
Monday	11:00 - 22:30
Tuesday	11:00 - 22:30
Wednesday	11:00 - 22:30
Thursday	11:00 - 22:30
Friday	11:00 - 22:30
Saturday	11:00 - 22:30
Sunday	11:00 - 21:30



**The opening hours of the premises**

Monday	11:00 - 23:00
Tuesday	11:00 - 23:00
Wednesday	11:00 - 23:00
Thursday	11:00 - 23:00
Friday	11:00 - 23:00
Saturday	11:00 - 23:00
Sunday	11:00 - 22:00

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption on the premises

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Bar SO16 Ltd.  
26 Leigh Road  
Eastleigh  
Hampshire  
SO50 9DT

**Registered number of holder, for example company number, charity number (where applicable)**

12264188

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

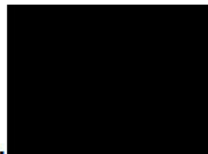

Baljit Singh Mandair

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Licence Number: 2013/02027/02SPEN  
Licensing Authority: Southampton City Council

This premises licence is issued by Southampton City Council as licensing authority under part 3 of the Licensing Act 2003 and regulations made thereunder

Dated this 18th day of December 2019;

  
L  ager  
Southampton & Eastleigh Licensing Partnership  
PO Box 1767  
Southampton  
SO18 9LA

## Annex 1 – Mandatory Conditions

1 No supply of alcohol shall be made under the premises licence:

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor for the premises does not hold a personal licence or his personal licence is suspended.

2 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

3 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

4 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

5 The responsible person must ensure that

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

6 1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2 For the purposes of the condition set out in paragraph 1 —

(a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) 'permitted price' is the price found by applying the formula —

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence —

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) 'value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

3 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ('the first day') would be different from the permitted price on the next day ('the second day') as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

7 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

## Annex 2 – Conditions consistent with the operating Schedule

### 1 Training

Before commencing their duties all new staff must receive information and training concerning the sale of age-restricted products.

This training must cover their legal responsibilities and action to be taken in the event of suspicions being aroused that someone is purchasing or attempting to purchase an item under the legal age and the refusal of sale due to intoxication.

All employees will sign a letter to acknowledge that they have completed this training and have understood their responsibilities on this area.

This training should be reviewed and updated at reasonable intervals but at least annually.

All staff shall be fully trained to perform their role. They will also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions.

Training shall be recorded in documentary form that will be available for inspection at the request at all reasonable times by an authorised officer from a relevant responsible authority. The records will be retained for at least 12 months.

### 2 Challenge 25

The premises licence holder shall ensure that a system is in place to ensure that every individual who appears to be under 25 years of age seeking to purchase or be supplied with alcohol at or from the

premises, shall produce acceptable means of identification and age confirmation. Acceptable identification shall be a passport, photo driving licence or PASS accredited photo ID. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

Challenge 25 posters will be on display in prominent areas of the premises.

### 3 CCTV

The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system will be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas.

CCTV warning signs to be fitted in public places.

The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation.

The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.

Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained.

The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i.e. password protected.

There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to police on request when investigating allegations of offences or criminal activity. Any images recovered must be in a format that can be viewed on readily available equipment without the need for specialist software.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Hampshire Police Licensing Unit within 24 hours, and arrangements made to repair the fault without delay.

A competent trained person in the use of and operation of the CCTV must be in attendance at the premises at all times that licensable activities take place and there must be a person present, nominated by the data controller, who is able to fully operate the CCTV system to be able to download at the times of the visit onto a CD/DVD/USB stick any information lawfully requested by any Responsible Authority.

### 4 Bottle Bins

Bottle bins shall be provided at the exit doors and staff shall show due diligence in preventing bottles and glasses being taken from the premises.

### 5 Alcohol

Alcohol shall only be consumed within the licensable area as part of the layout plan of the premises. No alcohol or glassware is to be taken outside of this area.

### 6 Incident Book

A written record shall be made of every incident of crime and disorder taking place on the premises, to include any action taken by staff. Every entry in the record shall be signed and dated by the person making it. This record shall be produced to a police officer or an authorised officer of the local authority on reasonable request. This record shall be retained for a period of 12 months.

### 7 Refusals Book

A written log shall be kept of all refusals including refusals to sell alcohol.

The premises licence holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the licensee or DPS.

The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.

The record of each refusal will be retained for 12 months.

8 Drug Policy

The Premises Licence Holder or nominated person shall provide a written drugs policy detailing the actions to be undertaken to minimize the opportunity to use or supply illegal substances within the premises.

9 Music

The performance of live music both internally and externally is not to be applied to the Premises Licence.

Recorded music should be limited to the inside of the premises only and played on a juke box only (the volume of which should be able to be limited).

The premises licence holder shall ensure that when music is played in the premises, this is to be turned down half an hour before close and lighting turned up.

10 External Area/Entrance

There should be no licensable activities in the rear external yard/area or patrons allowed to have access to it.

Staff at the premises will work with customers to ensure that entrances are not blocked.

11 Bank Holidays

The hours the premises are open to the public to terminate at 22:00hrs on a Sunday and Bank Holidays instead of 23:00hrs.

12 Toilet Checks

The DPS will ensure that toilets are checked at regular intervals no greater than two hours apart. A log shall be kept and maintained for these checks and retained for a period of 6 months and made available for inspection by a police officer or other authorised person.

13 Signage

Signs will be posted showing parking restrictions.

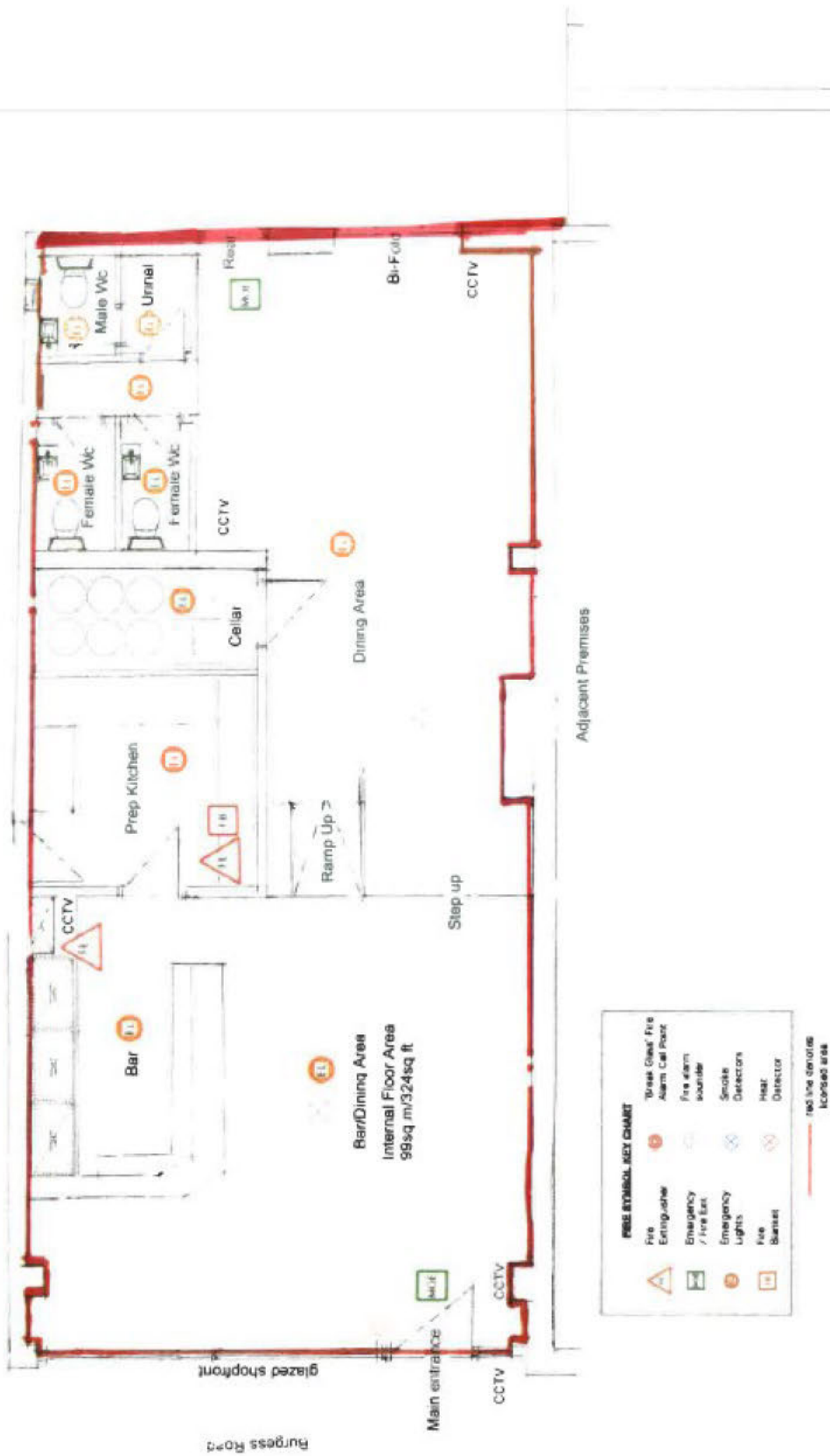
Notices to be displayed both inside and outside the premises advising customers that no cars are to be left on the premises overnight.

**Annex 3 – Conditions attached after a hearing by the licensing authority**

1 None



**Annex 4 – Plans**



**FIRE SYMBOL KEY CHART**

	Fire		Break Glass Fire Alarm Call Point
	Emergency Exit		Fire alarm sounder
	Emergency Lights		Smoke Detectors
	Fire Banner		Hear Detector

red line denotes licensed area

Proposed Ground Floor Licence  
 Drwg No 019/10/101 rev00  
 228a Burgess Road  
 Southampton Hampshire  
 SO16 3AY  
 Scale 1:50 @ A3  
 Drwg prepared by Reclaimtek

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2020/02886/01SPRV  
**Date:** 07 October 2020 17:07:26

---

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 5:07 PM on 07 Oct 2020 from Mr Malcolm Harvey.

### **Application Summary**

**Address:** 228A Burgess Road Southampton SO16 3AY

**Proposal:** Premises Licence - Variation

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mr Malcolm Harvey

**Email:** [REDACTED]

**Address:** 1 Bealing Close, Southampton SO16 3AW

### **Comments Details**

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

**Comments:** 5:07 PM on 07 Oct 2020 I live in the house immediately behind No. 228 with my front bedroom and living room windows within 30 metres of the rear beer garden. Recently on clear evenings the noise of people chattering and laughing in the open garden has been quite loud. But since the opening hours were only to 23.00pm it was tolerable  
However, extending the hours to 23.30 on weekdays and 24.00 on Friday and Saturday would increase the noise for longer in a residential area with the increased potential for disturbance in the street outside. Already groups have been gathering on the top of Bealing Close at times making noise and smoking pot. Cars are parking both sides of the entrance to Bealing Close on the current single yellow lines and on the pavement  
This was a quiet area and we are within our rights to expect it to remain so. And I don't expect that we will to keep our bedroom windows closed at night to eliminate the late evening noise.

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2020/02886/01SPRV  
**Date:** 07 October 2020 17:57:02

---

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 5:56 PM on 07 Oct 2020 from Mr Geoffrey Miller.

### **Application Summary**

**Address:** 228A Burgess Road Southampton SO16 3AY

**Proposal:** Premises Licence - Variation

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mr Geoffrey Miller

**Email:** [REDACTED]

**Address:** 6 Bealing Close, Southampton SO16 3AW

### **Comments Details**

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

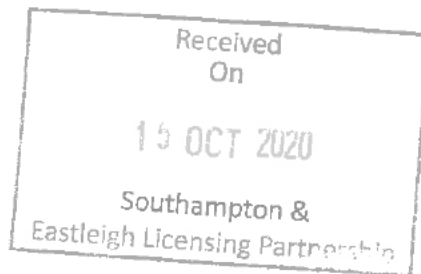
**Comments:** 5:56 PM on 07 Oct 2020 I object to this request for the following reasons:

There are already documented issues and concerns with this premises with regards to noise levels, safeguarding, broken glass on public highways, car parking & road access obstructions (preventing both locals and emergency vehicles from entering the close) which have not yet been addressed. These problems will only be exasperated by longer opening hours if left unchecked.

Many elderly residents of Bealing Close also object to this Variation request but do not own the technology needed to communicate with the Council, or do not wish to enter other homes to register their concerns due to the Corona Virus pandemic.

At this time, I must urge the local council to investigate the complaints outlined above, and firmly request that the licensing authority look into ways of gathering local residents' thoughts in a manner other than the online platform.





Chris Harvie-Smith  
5 Bealing Close,  
Swaythling,  
Southampton,  
Hampshire,  
SO16 3AW.

12/10/2020

To the Licencing Team,

I'd like to make a representation re BarSO16.

Application to Vary a Premises Licence Reference **2020/02886/01SPRV**  
**Bar SO16 Ltd.** Bar SO16, 228A Burgess Road, Southampton SO16 3AY.

Summarised Licensable Activities:

Recorded music

Monday-Thursday 11:00-**23:30** Friday-Saturday 11:00-**00:00** Sunday 11:00-22:30

Supply by retail of Alcohol

Monday-Thursday 11:00-**23:30** Friday-Saturday 11:00-**00:00** Sunday 11:00-22:30

And to increase the **area covered** by licensable activities to cover front and rear gardens.

The bar is a noise nuisance particularly from repeated noisy scuffles of the patrons. The later they occur the noisier they are from the more drunk patrons. They don't seem to have door staff to sort out these states of disorder.

Weekdays 23:30 is not reasonable for a residential area with people trying to get to sleep for work the following morning & midnight Friday & Saturday is also too late.

The prospect of recorded music front & rear gardens is very likely to be a public nuisance.

The compounding of the increase of the three nuisances above I strongly object to.

Also the COVID signage is present but there is no encouragement of following any of it or door staff to help with that or the scuffles. There is no way to keep people apart safely with the number present. The other

Extending the opening hours & music to the gardens will increase the nuisance considerably.

Kind regards,



Chris Harvie-Smith

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2020/02886/01SPRV  
**Date:** 11 October 2020 16:13:38

---

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 4:13 PM on 11 Oct 2020 from Mr ryan keenan.

### **Application Summary**

**Address:** 228A Burgess Road Southampton SO16 3AY

**Proposal:** Premises Licence - Variation

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mr ryan keenan

**Email:** [REDACTED]

**Address:** 89 High Road, Southampton SO16 2HY

### **Comments Details**

**Commenter Type:** Neighbour

**Stance:** Customer made comments in support of the Licensing Application

**Reasons for comment:**

**Comments:** 4:13 PM on 11 Oct 2020 i am fully in favour of the bar i think its very good for the community

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2020/02886/01SPRV  
**Date:** 11 October 2020 15:34:22

---

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 3:34 PM on 11 Oct 2020 from Mr Matthew Reeve.

### **Application Summary**

**Address:** 228A Burgess Road Southampton SO16 3AY

**Proposal:** Premises Licence - Variation

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mr Matthew Reeve

**Email:** [REDACTED]

**Address:** 228B Burgess Road, Southampton SO16 3AY

### **Comments Details**

**Commenter Type:** Neighbour

**Stance:** Customer made comments in support of the Licensing Application

**Reasons for comment:**

**Comments:** 3:34 PM on 11 Oct 2020 I fully support Bar SO16's application for a license variation

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2020/02886/01SPRV  
**Date:** 10 October 2020 18:10:04

---

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 6:10 PM on 10 Oct 2020 from Mr trevor davies.

### **Application Summary**

**Address:** 228A Burgess Road Southampton SO16 3AY

**Proposal:** Premises Licence - Variation

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mr trevor davies

**Email:** [REDACTED]

**Address:** Ground Floor Front, 40 - 41 Addis Square, Portswood Road, Southampton SO17 2NE

### **Comments Details**

**Commenter Type:** Other

**Stance:** Customer made comments in support of the Licensing Application

**Reasons for comment:**

**Comments:** 6:10 PM on 10 Oct 2020 I fully support the variations on the licence requested for Bar SO16

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2020/02886/01SPRV  
**Date:** 11 October 2020 15:59:36

---

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 3:59 PM on 11 Oct 2020 from Mr paul gregory.

### **Application Summary**

**Address:** 228A Burgess Road Southampton SO16 3AY

**Proposal:** Premises Licence - Variation

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mr paul gregory

**Email:** [REDACTED]

**Address:** 138 Bluebell Road, Southampton SO16 3LP

### **Comments Details**

**Commenter Type:** Neighbour

**Stance:** Customer made comments in support of the Licensing Application

**Reasons for comment:**

**Comments:** 3:59 PM on 11 Oct 2020 It's a great bar and I think they should be granted the variation to their license.

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2020/02886/01SPRV  
**Date:** 11 October 2020 15:42:35

---

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 3:42 PM on 11 Oct 2020 from Mr Joel McKay.

### **Application Summary**

**Address:** 228A Burgess Road Southampton SO16 3AY

**Proposal:** Premises Licence - Variation

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mr Joel McKay

**Email:** [REDACTED]

**Address:** Flat 4, 40A Oxford Street, Southampton SO14 3DP

### **Comments Details**

**Commenter Type:** Other

**Stance:** Customer made comments in support of the Licensing Application

**Reasons for comment:**

**Comments:** 3:42 PM on 11 Oct 2020 I am in support of the bars application to vary their license

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2020/02886/01SPRV  
**Date:** 11 October 2020 16:30:25

---

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 4:30 PM on 11 Oct 2020 from Mr steve beale.

### **Application Summary**

**Address:** 228A Burgess Road Southampton SO16 3AY

**Proposal:** Premises Licence - Variation

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mr steve beale

**Email:** [REDACTED]

**Address:** 225 Leaside Way, Southampton SO16 3EQ

### **Comments Details**

**Commenter Type:** Other

**Stance:** Customer made comments in support of the Licensing Application

**Reasons for comment:**

**Comments:** 4:30 PM on 11 Oct 2020 there are very few bars in the area which helps keep the local community together, lets keep this one rather than loosing another, the owners have worked hard to bring this place back to the community which is nice to see in my opinion. this is why i think you should grant the variation to the license.

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2020/02886/01SPRV  
**Date:** 11 October 2020 17:22:49

---

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 5:22 PM on 11 Oct 2020 from Mrs Mandip Kaur.

### **Application Summary**

**Address:** 228A Burgess Road Southampton SO16 3AY

**Proposal:** Premises Licence - Variation

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mrs Mandip Kaur

**Email:** [REDACTED]

**Address:** 6 Glenwood Avenue, Southampton SO16 3QA

### **Comments Details**

**Commenter Type:** Other

**Stance:** Customer made comments in support of the Licensing Application

**Reasons for comment:**

**Comments:** 5:22 PM on 11 Oct 2020 I have been to the bar on a few occasions. Friendly atmosphere and pleasant bar staff. Drinks are reasonably priced. Good community feel. Would be nice to use the outdoor seating area so fully support application.



**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2020/02886/01SPRV  
**Date:** 10 October 2020 13:27:13

---

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 1:27 PM on 10 Oct 2020 from Mr juggy singh.

### **Application Summary**

**Address:** 228A Burgess Road Southampton SO16 3AY

**Proposal:** Premises Licence - Variation

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mr juggy singh

**Email:** [REDACTED]

**Address:** Annexe, 4A Glenwood Avenue, Southampton SO16 3QA

### **Comments Details**

**Commenter Type:** Other

**Stance:** Customer made comments in support of the Licensing Application

**Reasons for comment:**

**Comments:** 1:27 PM on 10 Oct 2020 We fully support the variations on the licence requested.  
Bar S016 is part of our community we have been waiting for a local pub for sometime, the owners have done a fabulous job with the fit out and have been fully compliant with the covid restrictions when we have visited. I have not noticed an increase in parking issues which were not previously there prior to the bar opening.

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2020/02886/01SPRV  
**Date:** 10 October 2020 11:53:03

---

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 11:53 AM on 10 Oct 2020 from Ms vicky syson.

### **Application Summary**

**Address:** 228A Burgess Road Southampton SO16 3AY

**Proposal:** Premises Licence - Variation

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Ms vicky syson

**Email:** [REDACTED]

**Address:** 50 Arnold Road, Southampton SO17 1TG

### **Comments Details**

**Commenter Type:** Other

**Stance:** Customer made comments in support of the Licensing Application

**Reasons for comment:**

**Comments:** 11:53 AM on 10 Oct 2020 Have the visited the bar on several occasions its a great community asset considering 4 pubs have closed on Burgess road. I am fully in support for the variation requested. Having worked in Burgess Road for 7 years the issue of parking is consistently there due to the increased takeaways and supermarkets and have not seen an increased issue since the bar been opened.

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2020/02886/01SPRV  
**Date:** 12 October 2020 13:59:01

---

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 1:58 PM on 12 Oct 2020 from Mrs Sarah-Jane Emmett-osborn.

### **Application Summary**

**Address:** 228A Burgess Road Southampton SO16 3AY

**Proposal:** Premises Licence - Variation

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mrs Sarah-Jane Emmett-osborn

**Email:** [REDACTED]

**Address:** 66 Leaside Way, Southampton SO16 3EN

### **Comments Details**

**Commenter Type:** Other

**Stance:** Customer made comments in support of the Licensing Application

**Reasons for comment:**

**Comments:** 1:58 PM on 12 Oct 2020 Lovely clean friendly pub inside and out. Staff are on the ball with the new covid regs, all wearing masks and ensuring customers wear them whilst in the bar. Never had any trouble parking as I pop in after work a few times a week with friends. Fully supportive to have a new fresh pub in our community to bring everyone together.

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2020/02886/01SPRV  
**Date:** 12 October 2020 13:07:31

---

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 1:07 PM on 12 Oct 2020 from Mrs Sarah Emmett-Osborn.

### **Application Summary**

**Address:** 228A Burgess Road Southampton SO16 3AY

**Proposal:** Premises Licence - Variation

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mrs Sarah Emmett-Osborn

**Email:**

**Address:** 66 Leaside Way, Southampton SO16 3EN

### **Comments Details**

**Commenter Type:** Other

**Stance:** Customer made comments in support of the Licensing Application

**Reasons for comment:**

**Comments:** 1:07 PM on 12 Oct 2020 Recently visited the bar, excellent community feel. Really good following of the new government guidelines with regards to COVID rules. Staff were all wearing protection and reminding customers to wear masks on entry and whilst moving around inside the bar. Great friendly staff, fully supportive of the new variation and would be great to have use of the front and rear garden to socialise.

**From:** [REDACTED]  
**To:** [Licensing](#)  
**Subject:** Bar SO16  
**Date:** 12 October 2020 17:57:10

---

CAUTION: This email originated from a non UK Government address. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Bar SO16 is a much needed community pub, replacing 4 local pubs in Burgess rd, Swaythling which have closed over the past few years, the difference this has made is beyond measure.

I come from two long standing local families. In fact my Great Grandmother ran the Salisbury rd Post office at the turn of the 20th century. My Nan + Grandad Pragnell lived next door to the Gate Inn for all of their 50 years of Marriage and all family celebrations were held at the gate.

Bar SO16, has in a modern way, not only replace those Community pubs , but in a way the reflects Swaythling diverse Community, it's wonderful.

I fully support the application for the new opening hours of the well managed Community Bar.

Mike Bull  
11, Ethelburt Avenue  
Swaythling  
Southampton  
SO16 3DG.

Sent from my iPhone

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2020/02886/01SPRV  
**Date:** 12 October 2020 17:32:26

---

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 5:32 PM on 12 Oct 2020 from Mr Jasbir Mandair.

### **Application Summary**

**Address:** 228A Burgess Road Southampton SO16 3AY

**Proposal:** Premises Licence - Variation

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mr Jasbir Mandair

**Email:** [REDACTED]

**Address:** 26 Leigh Road, Eastleigh, Hampshire SO50 9DT

### **Comments Details**

**Commenter Type:** Other

**Stance:** Customer made comments in support of the Licensing Application

**Reasons for comment:**

**Comments:** 5:32 PM on 12 Oct 2020 I write as the property owner of 228/a/b Burgess Road SO16 3AY

I have been made aware of the licence variation request by the BAR SO16 operator and fully support this application.

In recent times the property has been left vacant and persons had been using the site as a dumping site.

The operators have taken a lease and have made an incredible capital investment into the modernisation of the building and now we have a fully functional bar with a affordable flat, housing a family unit.

It is a great asset for the swaythling community.

On the issue of parking, whilst the unit was empty, I went to the site on numerous times and even then I saw cars parked on the pavements, single yellow lines and also double yellow lines so I cannot see how a couple of people have mentioned the parking issue being attributed to BAR SO16 and therefore they have objected to the variation.

Once again I believe the variation should be allowed.

**From:** [REDACTED]  
**To:** [Licensing](#)  
**Subject:** 2020/02886/01SPRV Premises Licence - Variation BARSO16 228a Burgess Road Southampton  
**Date:** 13 October 2020 12:36:01

---

**CAUTION: This email originated from a non UK Government address. Do not click links or open attachments unless you recognise the sender and know the content is safe.**

As per call this afternoon and haven spoken to Tricia Young please find below my comment to SUPPORT the variation of the premises licence for barso16. i have tried to do on line however the system wasn't working.

Home address : 6 Glenwood Ave, Bassett, Southampton,SO16 3QA

Email address

Phone Number :

I Mr Baljit Singh Mandair write as the operator and DPS holder for BAR SO16

I feel and many local people agree that the opening of Bar SO16 is a positive development in Swaythling indeed replacing several local pubs which have closed over the past few years. Bar SO16, represents a substantial capital investment in a vacant commercial property and the creation of 10 jobs as well as creating an affordable home in the flat above the bar.

We understand that some local people may have reservations and concerns about a licensed premise to be open in the area, Bar SO16 is keen to work with local residents to allay these concerns. However, we are deeply concerned with regards to vexatious activities in regards to Bar SO16. We note with regret that in objections 1 and 2 the aim of somehow linking group gathering and pot smoking, parking issues which arose long before the advent of Bar SO16.

As regards access by emergency services we have no knowledge of this happening and would ask for the dates and times of these occurrences. As to broken glass, out of common decency and to protect the identity of a resident of Bealing Close we will say no more other than Bar SO16 cleared the glass away.

We now would like to deal with the individual objections as follows:

Objection by Mr Geoffrey Miller, of 6 Bealing Close. Mr Miller on numerous occasions purported to ourselves that he was "Chair of the Bealing Close Residents Association" he told us that the Residents Association's AGM was always held in December. We sought to contact the Secretary of the resident association only to find it does not exist. Mr Millers claim to be Chair of the "Bealing Close Resident Association" is fiction and since Mr Miller has been made aware of this situation he has pursued a hostile attitude to Bar SO16 resulting in what we contend his Vexatious objection. Also if Mr Miller is aware of any local issues of safeguarding he should have immediately reported this to the relevant authorities.

Objection by Mr Malcolm Harvey, As regards to the objection of Mr Malcolm Harvey, from 1 Bealing Close, we have sympathy with some of his objection. We however note the inclusion in his objection of group gathering and pot smoking inferring linkage to Bar SO16 which is vexatious. We as good neighbours wish to accommodate his concerns and thus we propose the following:



1. Bar SO16 will apply a 23.00 curfew on the back Terrace thus accommodating Mr Harvey's concerns in relation to the noise and thus keeping to the existing which he confirms is tolerable.

2. We are commencing work to both our terrace and frontage to implement light and noise reduction measures and we welcomed dialogue with Mr Harvey with regards to these.

In conclusion we are always open to local resident's suggestions and concerns. Bar SO16, is a Community Bar open to all reflecting and respecting the diversity of our Swaythling Community.

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2020/02886/01SPRV  
**Date:** 13 October 2020 18:54:33

---

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 6:54 PM on 13 Oct 2020 from Mrs monika piec.

### **Application Summary**

**Address:** 228A Burgess Road Southampton SO16 3AY

**Proposal:** Premises Licence - Variation

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mrs monika piec

**Email:** [REDACTED]

**Address:** 20 Bealing Close, Southampton SO16 3AW

### **Comments Details**

**Commenter Type:** Neighbour

**Stance:** Customer made comments in support of the Licensing Application

**Reasons for comment:**

**Comments:** 6:54 PM on 13 Oct 2020 i am a resident of Bealing Close and i fully support the variation of the license for Barso16 to open longer and allow seating at the back and front of the bar. Since the bar has opened we have not noticed any increase in noise, litter or any increase parking issues.

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2020/02886/01SPRV  
**Date:** 13 October 2020 18:30:30

---

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 6:30 PM on 13 Oct 2020 from Miss ewelina jach.

### **Application Summary**

**Address:** 228A Burgess Road Southampton SO16 3AY

**Proposal:** Premises Licence - Variation

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Miss ewelina jach

**Email:** [REDACTED]

**Address:** Ground Floor Flat 1, 4 Shirley Avenue, Southampton SO15 5NG

### **Comments Details**

**Commenter Type:** Other

**Stance:** Customer made comments in support of the Licensing Application

**Reasons for comment:**

**Comments:** 6:30 PM on 13 Oct 2020 The bar is will managed nad There are never any problems. You shouls give them the license

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2020/02886/01SPRV  
**Date:** 13 October 2020 18:15:41

---

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 6:15 PM on 13 Oct 2020 from Miss agata jach.

### **Application Summary**

**Address:** 228A Burgess Road Southampton SO16 3AY

**Proposal:** Premises Licence - Variation

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Miss agata jach

**Email:** [REDACTED]

**Address:** 4 Shirley Avenue, Southampton SO15 5RF

### **Comments Details**

**Commenter Type:** Other

**Stance:** Customer made comments in support of the Licensing Application

**Reasons for comment:**

**Comments:** 6:15 PM on 13 Oct 2020 i think its a good idea to open the bar later as its difficult to get a table at the weekends after 9pm. it would be good to be able to take the drinks outside

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2020/02886/01SPRV  
**Date:** 13 October 2020 17:40:16

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Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 5:40 PM on 13 Oct 2020 from Mr Luke Rogers.

### **Application Summary**

**Address:** 228A Burgess Road Southampton SO16 3AY

**Proposal:** Premises Licence - Variation

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mr Luke Rogers

**Email:** [REDACTED]

**Address:** 43 Bealing Close, Southampton SO16 3AX

### **Comments Details**

**Commenter Type:** Neighbour

**Stance:** Customer made comments in support of the Licensing Application

**Reasons for comment:**

**Comments:** 5:40 PM on 13 Oct 2020 I am in support of these premises and believe they should gain the license to open up the front and back garden in order for the consumption of alcohol. And am also in support for them to have later closing times.

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2020/02886/01SPRV  
**Date:** 14 October 2020 09:20:30

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Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 9:20 AM on 14 Oct 2020 from Miss Caroline Casanova Goitia.

### **Application Summary**

**Address:** 228A Burgess Road Southampton SO16 3AY

**Proposal:** Premises Licence - Variation

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Miss Caroline Casanova Goitia

**Email:** [REDACTED]

**Address:** 15 Bealing Close, Southampton SO16 3AW

### **Comments Details**

**Commenter Type:** Neighbour

**Stance:** Customer made comments in support of the Licensing Application

**Reasons for comment:**

**Comments:** 9:20 AM on 14 Oct 2020 I am a resident of Bealing Close and i fully support the variation for Barso16. since the bar has been opened i have used the bar with my family and friends . Been a resident of Bealing Close i have not noticed any increase in parking issues or gathering of groups smoking on Bealing Close.

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2020/02886/01SPRV  
**Date:** 14 October 2020 19:16:20

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Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 7:16 PM on 14 Oct 2020 from Ms Lidia Harrington`.

### **Application Summary**

**Address:** 228A Burgess Road Southampton SO16 3AY

**Proposal:** Premises Licence - Variation

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Ms Lidia Harrington`

**Email:** [REDACTED]

**Address:** 40 Bealing Close, Southampton SO16 3AX

### **Comments Details**

**Commenter Type:** Neighbour

**Stance:** Customer made comments in support of the Licensing Application

**Reasons for comment:**

**Comments:** 7:16 PM on 14 Oct 2020 I have no objections to this bar being open and the variation of the premises license. Since opening I've not noticed an increase in the noise, parking or litter issue

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### Procedure – Applications etc. under the Licensing Act 2003 or Gambling Act 2005

1. A hearing will be held to decide applications, etc., under the Licensing Act 2003, where there have been relevant representations from one or more of the responsible authorities or other persons. The parties to the hearing will have the chance to be heard. They are also entitled to be helped or represented by another person if due written notice is given in advance.
2. Hearings will take place before a Sub-Committee comprising three members of the Licensing Committee. One of these members will be elected Chair of the Sub-Committee for that hearing.
3. Please note that for day time hearings the Sub-Committee will normally adjourn for lunch at 1:00 p.m. and that comfort breaks will be taken at the discretion of the Chair at appropriate points during the meeting.

#### Preliminary matters

4. The Chair will introduce those present.
5. The Chair will check whether any of the Sub-Committee members has a “disclosable pecuniary”, “personal” or “pecuniary” interest.
6. The Chair will check whether all the parties are present at the hearing, and if any are not, whether they have told the Council that they do not wish to attend or be represented. If any party who was expected to attend has not done so, the Sub-Committee will decide whether to hold the hearing in that party’s absence, or to adjourn it to another date. Hearings will be adjourned if the Sub-Committee considers this necessary in the public interest, if that is possible. If the Sub-Committee decides to hold the hearing in a party’s absence, they will still consider any written information received.
7. In the case of an application for variation or a new licence, the Sub-Committee’s legal advisor will ask the applicant or their advisor for confirmation that the required public notices have been displayed where they can conveniently be read from the exterior of the premises and that notice was given in a local newspaper within eleven working days of the day on which the application was received by the licensing authority.
8. Normally, hearings will be open to the public. However, the Sub-Committee may exclude the public from the hearing (or part of it) if they think the public interest in doing so outweighs the public interest in having the hearing in public. If the public are excluded, any of the parties to the hearing, and/or anyone helping or representing them, may also be excluded.
9. The Chair will propose a motion that the public and the press be excluded from the hearing while the Sub-Committee considers the matter. Ordinarily the legal advisor and democratic support officer will remain (see paragraph 30 (b) below).
10. The Openness of Local Government Bodies Regulations 2014 provide an entitlement for the public to film, photograph and audibly record (“record”) public meetings. However, by virtue of Schedule 6, paragraph 58 of the Licensing Act 2003 and section 101 (15) of the Local Government Act 1972, Licensing Act 2003 hearings are not covered by the entitlement to film as of right. The Council’s general approach is to encourage openness and transparency in all its dealings and the general presumption is that filming or recording of hearings shall generally be permitted where due notice has been provided in advance of the hearing. Nonetheless the following shall apply:

- i) Filming / recording / photographing hearings shall only be permitted with the express permission of the Chair. Such permission may include restrictions to protect children, vulnerable persons or others that object to being filmed / photographed / recorded.
  - ii) Requests to film / record / photograph should be made with sufficient notice in advance of the hearing. Late requests may not be granted if there shall be a delay to proceedings as a result.
  - iii) Every party to the hearing and any witnesses shall have the opportunity to object and those representations shall be considered by the Sub-Committee.
  - iv) No filming, photography or sound recording shall be permitted of any person under 18 years of age.
  - v) No person shall be put under any pressure to consent to such and no payment for such consent shall be given.
  - vi) The Chair shall have the final say as to whether any filming, photography or recording is allowed (including the extent to which permission is granted e.g. the parts of the meeting, the individuals concerned or the arrangement of the recording equipment).
  - vii) All directions given by the Chair shall be fully complied with and the Chair shall have the absolute discretion to withdraw permission to film, photograph or record in the event the same causes an obstruction or interferes with the general conduct of the hearing, including the impeding of the giving of proper evidence.
11. A party may have asked for someone else to appear at the hearing to make a point or points that may help the Sub-Committee reach a decision. It is up to the Sub-Committee to decide whether that person should be heard, although permission will not be refused unreasonably. Such a person is referred to as a “witness” in this procedure.
12. Where application has been made, in advance of the hearing, that it should be conducted in private (e.g. by the Police in review or summary review proceedings) reports shall be prepared and presented as confidential so that the Committee can make a meaningful determination in accordance with Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 to exclude the press and public. It is important to note that reports presenting Licensing Act 2003 matters are not required to be published in advance. However, certain limited information must be published in accordance with the Licensing Act 2003 (Licensing Authority’s Register) (Other Information) Regulations 2005 and section 8 of the Licensing Act 2003.
13. The Chair will then explain the procedure that will follow.

### **General information on the conduct of the hearing**

14. Each party is entitled to:
- (a) Give further information in response to any point that the Council told them before the hearing they would like clarified;
  - (b) With the permission of the Chair, seek clarification on any point by any other party;
  - (c) Address the Sub-Committee.
15. Members of the Sub-Committee may also seek clarification of any party or witness.
16. At the Chair’s discretion, the Sub-Committee’s legal advisor may ask any questions he or she thinks are relevant.

17. Unless the Council has requested in advance that a particular point be clarified, new documentary or other evidence may not be submitted for the first time at the hearing, unless all the other parties agree.
18. Members of the Sub-Committee will have read all the papers included in the agenda for the hearing before the hearing starts. The parties are requested not to spend unnecessary time repeating evidence which is already in the papers and which is not disputed.
19. Evidence that is not relevant to the case, or to the promotion of the four licensing objectives, will be disregarded.

### **Hearing Procedure**

20. If any party has asked permission for a witness or witnesses to appear, the Sub-Committee will decide whether they should be heard (see paragraph 10 above).
21. All parties will be allowed a similar (and maximum) amount of time to put their case, and ask questions of other parties, subject to the Chair's discretion to not hear repetitive matters or questions.

### **The applicant**

22. The applicant for the licence (or their representative) or the applicant in review proceedings, may present their case.
23. If the Sub-Committee permits, the applicant may call those witnesses whose names have been provided in advance to support their application.
24. Where a group of witnesses wish to speak in support of the application for similar reasons, one person should, where possible, act as spokesperson for the whole group. The Sub-Committee may reasonably refuse permission for a witness to be heard if their evidence simply repeats points already made.
25. The Chair will invite those making representations to seek clarification on any point made by the applicant. The Chair will decide in which order those making representations will be invited to put their questions.
26. Members of the Sub-Committee or the Legal Advisor, if so permitted by the Chair, may also seek clarification of the applicant or any of their witnesses.

### **The representations**

27. Where there is more than one person making a representation, the Chair will decide the order in which they may put their case. If there is a representation from one or more of the responsible authorities, their representatives will normally be invited to put their case first.
28. The following procedure will apply to each person making a representation in turn:-
  - (a) The person making a representation (or their representative) may present their case.
  - (b) If the Sub-Committee permits, the person making a representation may call those witnesses whose names have been provided in advance to support their objection.
  - (c) Where a group of witnesses wish to speak in support of the objection for similar reasons, where possible, one person should act as spokesperson for the whole group. The Sub-Committee may reasonably refuse permission for a witness to be heard if their evidence simply repeats points already made.

- (d) The Chair will invite the applicant to seek clarification on any points made by those making representations.
- (e) Members of the Sub-Committee or the Legal Advisor, if so permitted by the Chair, may seek clarification of those making representations or any witnesses.

### **Summing up**

- 29. The Chair will invite each person making a representation to make a final statement or sum up their case.
- 30. The Chair will invite the applicant to make a final statement or sum up their case.

### **Sub-Committee's decision**

- 31.
  - (a) At the end of the hearing the Sub-Committee will move to private session whilst it considers the matter.
  - (b) The Sub-Committee's legal advisor will remain to provide legal advice and the democratic services officer will remain to record the decision. Details of any legal advice will be recorded and referenced in the decision and reasons.
  - (c) The parties will be invited to wait to be informed of the outcome.
  - (d) As soon as the decision is reached, the public and press will be invited to return to the room in which the hearing took place, and the Chair will announce the decision and the reasons for it.
  - (e) If a room is available, the Committee may retire to deliberate and make its decision
  - (f) All parties will be formally notified in writing of the decision and reasons as soon as possible.

In most cases the Sub-Committee will announce the decision at the conclusion of the hearing. In certain cases where this is not possible due to time constraints (and the Hearings Regulations permit – Regulation 26 (1) sets out those hearings where delay is not possible) the decision shall be made within 5 working days beginning with the day of the hearing or the last day of the hearing.