

---

**SOUTHAMPTON CITY COUNCIL**  
**LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE**  
**MINUTES OF THE MEETING HELD ON 28 APRIL 2021**

---

Present: Councillors Bunday, McEwing and Noon

55. **ELECTION OF CHAIR**

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

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

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

**RESOLVED** that there was no personal or pecuniary interest from Cllr Bunday who declared that he lived in the area of the proposed business but that he was not impacted by it and had no interest in the business.

57. **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.

58. **NEW APPLICATION FOR PREMISES LICENCE - PERSIAN CULTURAL CENTRE, 1 MANOR FARM ROAD, SOUTHAMPTON SO18 1NN**

The Sub-Committee considered very carefully the application for a premises licence at Persian Cultural Centre, 1 Manor Farm Road, Bitterne, Southampton. It gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy.

The Sub-Committee considered the report of the Service Director for Communities, Culture and Homes, the representations, both written and given orally at the hearing by all parties.

The Human Rights Act 1998, The Equality Act 2010 and The Crime and Disorder Act 1998 Section 17 were considered whilst making the decision.

The Sub-Committee noted that legislation provides for a presumption of grant of a licence, unless the licensing objectives cannot be met by conditions, which, having considered the report, the Sub-Committee agreed it could.

The Applicant confirmed to the Sub-Committee the opening hours applied for and the conditions for licensable activity as agreed with Hampshire Constabulary.

The Sub-Committee heard from members of the public who objected to the application. They confirmed their objections related to the use of the outside of the premises for licensable activities. The applicant's representative confirmed that this application was limited to use inside the premises.

The Sub-Committee considered whether it would be justified in departing from its Statement of Licensing Policy in light of the representations, but after careful consideration decided it was not.

In light of all the above the Sub-Committee:

**RESOLVED** that the application be granted subject to the conditions agreed with Hampshire Constabulary.

#### Reasons

The Sub-Committee considered very carefully all the representations objecting to the application. It noted the strength of feeling and the concerns in respect of the licensing objectives that were raised. Particularly in relation to roof access overlooking private residential gardens. However, the applicant's representative made it clear that there would be no use of the outside space, including the roof terraces without further application.

Whilst the Sub-Committee was mindful of the concerns raised by the objectors regarding the problems that may arise relating to additional noise and pollution in the area. It became clear that the objections were directed against use of the outside of the premises.

The decision was made bearing in mind the licensing objectives and assurances by the applicant to ensure the premises would not adversely affect those licensing objectives.

Residents and local businesses were reassured that where the grant of any application lead to an adverse impact upon the licensing objectives a review of the licence could be brought by them and appropriate steps taken at that time.

Whilst this was not part of the decision, the Sub-Committee noted that the applicant had not considered parking but offered to liaise with the local community should this become an issue to ensure public safety.

There is a right of appeal for all parties to the Magistrates' Court. Formal notification of the decision will set out that right in full.