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**SOUTHAMPTON CITY COUNCIL**  
**LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE**  
**MINUTES OF THE MEETING HELD ON 16 JUNE 2021**

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Present: Councillors G Galton, Leggett and Noon

10. **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 Galton be elected as Chair for the purposes of this meeting.

11. **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.

12. **APPLICATION FOR NEW PREMISES LICENCE - QUAYSIDE, UNIT 3, AZERA, CAPSTAN ROAD SOUTHAMPTON SO19 9UR**

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

The Sub-Committee considered very carefully the report of the Service Director – Communities, Culture and Homes. Representations by all the parties present at the hearing as well as written representations were also fully taken into consideration.

It gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy.

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

The Sub-Committee considered the representations, both written and given orally at the hearing, by all parties.

The Sub-Committee also took into account that neither Hampshire Constabulary nor any other Responsible Authorities had made representations to the Sub-Committee Hearing.

**RESOLVED** that having considered all of the above the Sub-Committee agreed to grant the licence in accordance with the application.

## Reasons

The Sub-Committee was provided with legal advice that the legislation provides for a presumption of grant of a licence, unless the Licensing objectives cannot be met by conditions.

The Sub-Committee heard from local resident Sabine Venier of Azera Capstan Road. The Sub-Committee was also addressed by the applicant's representative, Mr Leo Charalambides.

The Sub-Committee considered very carefully the representation made objecting to the application. It noted the strength of feeling and the concerns in respect of the licensing objectives that were raised. However, the Sub-Committee accepted that the concerns related more to a private than public nuisance. Further, that Environmental Health had been satisfied with the application as it stood. It was also noted that the concerns were at this stage speculative.

The Sub Committee noted that Hampshire Constabulary and the applicant had agreed the conditions of the license as set out in the application.

Weighing up all of the above, the Sub-Committee did not consider it appropriate or proportionate to refuse the application at that time on the basis of the evidence presented. The Sub-Committee concluded that it would be appropriate and proportionate to grant the licence subject to the agreed conditions.

The Sub-Committee recognised and shared the concerns relating to later opening hours but did not at the time have evidence or power to change those hours.

Residents were reassured that where the grant of any application leads 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.

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.