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**SOUTHAMPTON CITY COUNCIL**  
**LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE**  
**MINUTES OF THE MEETING HELD ON 20 JULY 2023**

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**Present:** Councillors M Bunday, Mrs Blatchford and Whitbread

**Apologies:** Councillors

9. **ELECTION OF CHAIR**

**RESOLVED** that Councillor M Bunday, as Chair of the Licensing Committee, would be Chair for the purposes of this meeting.

10. **STATEMENT FROM THE CHAIR**

The Chair noted that the hearing was a hybrid hearing, with some of the participants in the room and other parties to the hearing participating online. One of the objectors had submitted a request to attend the hearing in person, which had been agreed by the Chair of the Licensing Committee in consultation with Democratic and Legal Services. The option to attend the hearing in person or remotely had been offered to all relevant parties.

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

**RESOLVED:** that the minutes for the Sub- Committee meeting on 28 June 2023 be approved and signed as a correct record.

12. **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

**RESOLVED:**

- i) That the Sub-Committee 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), would be invited to return immediately following that private session at which time the matter would be determined and decision of the Sub-Committee announced;
- ii) And that the online live stream of the meeting would end when the Sub-Committee moved into private session and for the press and the public who had not attended in person the decision of the Sub-Committee would be published on the Council's website.

13. **APPLICATION FOR PREMISES LICENCE - CHILLI FLAMES, 7 BEDFORD PLACE, SOUTHAMPTON, SO15 2DB**

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

This hearing was held as a hybrid hearing with some people attending in person and some people attending virtually using Microsoft Teams and was streamed live online for the press and public to view via the Live Events platform.

The Sub-Committee has considered very carefully the application as submitted. 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 Human Rights Act 1998, The Equality Act 2010 and The Crime and Disorder Act 1998 Section 17 have been considered whilst making the decision.

At the outset of the meeting, it was established that the Applicant amended the application so that the terminal hour Thursday to Saturday would be 04:00. The applicant also confirmed that he agreed the conditions proposed by Hampshire Constabulary. It was noted that none of the responsible authorities had made representations.

The Sub-Committee heard from the Applicant, Mr Thayalan, one of the objectors, Ms L Barter and a supporter of the application, Mr V Pulen. On questioning around issues of noise and public safety the Sub-Committee was satisfied with the responses provided by the Applicant.

Having considered all of the above the Sub-Committee agreed to grant the licence in accordance with the amended application so that the terminal hour Thursday to Saturday would be 04:00; and subject to the conditions set out in the email from PC Mark Hawley dated 7<sup>th</sup> June 2023.

### **Reasons:**

The Sub-Committee received legal advice that the premises fell within a Cumulative Impact Area and so there was a rebuttable presumption not to grant the application. The Sub-Committee would need to be satisfied that the applicant had demonstrated that the presumption could be reasonably rebutted to grant the application.

The Sub-Committee has listened to the concerns of the local residents, but those concerns largely related to speculation as to what might happen at the premises. The Sub-Committee received legal advice that speculation as to what may happen cannot be considered.

Where those concerns were speculative but potentially cumulatively impacted on the Licensing Objectives the Sub-Committee noted that no responsible authority had raised a concern. Legal Advice was given that the responsible authorities are regarded as experts in their respective fields.

This together with responses provided by the Applicant to questioning regarding steps to address potential issues alongside the revised application with conditions proposed by the police; the Sub-Committee decided that the presumption not to grant had been rebutted and the application could and should be granted on those terms.

Residents should be assured that if the concerns they have raised do materialise they have the right to seek a review of the licence which would be heard by the Sub-Committee.

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.