

Licensing (Licensing and Gambling) Sub-Committee

Wednesday, 25th October, 2023
at 4.00 pm

PLEASE NOTE TIME OF MEETING

Virtual Meeting

This meeting is open to the public

Members

Three Members drawn from the Licensing Committee

Contacts

Democratic Support Officer
Melanie Morley

Email: Melanie.Morley@southampton.gov.uk

Executive Director Place

Adam Wilkinson

Email: Adam.Wilkinson@southampton.gov.uk

PUBLIC INFORMATION

The Members of the Licensing Committee are Councillors A Bunday, M Bunday, Beaurain, Mrs Blatchford, Kenny, Moulton, Noon, Powell-Vaughan, Whitbread and Windle.

Role of the Sub-Committee

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 2022-2030 sets out the four key goals:

- Strong Foundations for Life.- For people to access and maximise opportunities to truly thrive, Southampton will focus on ensuring residents of all ages and backgrounds have strong foundations for life
- A proud and resilient city - Southampton's greatest assets are our people. Enriched lives lead to thriving communities, which in turn create places where people want to live, work and study
- A prosperous city - Southampton will focus on growing our local economy and bringing investment into our city.
- A successful, sustainable organisation - The successful delivery of the outcomes in this plan will be rooted in the culture of our organisation and becoming an effective and efficient council.

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 for the Municipal Year
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 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 **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 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.

6 **APPLICATION FOR A VARIATION TO A PREMISES LICENCE - WHISKEY BLUE, 129 HIGH STREET, SOUTHAMPTON, SO14 2BR** (Pages 1 - 54)

Application for a Variation of a Premises Licence in respect of Whiskey Blue, 129 High Street, Southampton, SO14 2BR.

Tuesday, 17 October 2023

Executive Director Place

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Agenda Item 6

DECISION-MAKER LICENSING (LICENSING & GAMBLING) SUB COMMITTEE

SUBJECT HEARING TO CONSIDER AN APPLICATION FOR VARIATION OF A PREMISES LICENCE – **Whiskey Blue 129 High Street Southampton SO14 2BR**

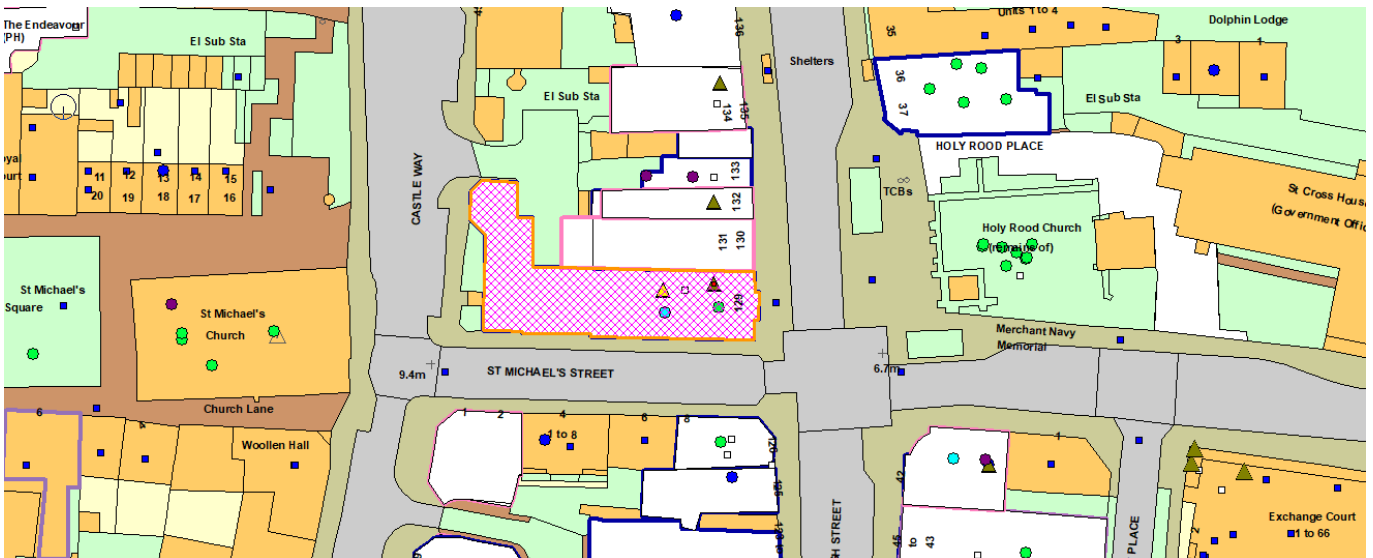
DATE OF HEARING **Wednesday 25 October 2023 16.00**

REPORT OF **SERVICE DIRECTOR – PLACE**

E-mail licensing@southampton.gov.uk

Application Date : 1st September 2023 Application Received 1st September 2023

Application Valid : 4th September 2023 Reference : **2023/03137/01SPRV**



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Representations from Responsible Authorities

| Responsible Authority | Satisfactory? |
|----------------------------------|---------------|
| Safeguarding Children | No Response |
| Fire Service | Satisfactory |
| Environmental Health - Licensing | Objection |
| Home Office | No Response |

| | | |
|---|--|-------------------------|
| Public Health Manager | No Response | |
| Planning & Sustainability - Development Control - Licensing | No Response | |
| Police - Licensing | Satisfactory | |
| Trading Standards | No Response | |
| Other Representations | | |
| Name | Address | Contributor Type |
| Mr Andre Brasil | Flat A 129 High Street Southampton SO14 2BR | Resident |
| Mr Roberto Netti | Flat A 129 High Street Southampton SO14 2BR | Resident |
| Ms Lorna Powell | Flat B 129 High Street Southampton SO14 2BR | Resident |
| Mr. Mitchell Cooke | Flat B 129 High Street Southampton SO14 2BR | Resident |

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 affects 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

This application is to reduce the licensable hours of Live Music, Recorded Music, Performance of Dance, Anything Similar and Supply of Alcohol. To add licensable activities Plays and Films. To replace all the current conditions with new conditions and for a new plan layout. (Although hours on the current licence are until 2am, there are currently conditions which restrict this.)

| | |
|---------------------------------------|-----------------------|
| Applicant | Robins Nest @129 Ltd. |
| Designated Premises Supervisor | Nathan Alexander |

Licensable Activities.

| | |
|----------------|---------------|
| Plays | |
| Monday | 10:00 - 23:00 |
| Tuesday | 10:00 - 23:00 |
| Wednesday | 10:00 - 23:00 |
| Thursday | 10:00 - 23:00 |
| Friday | 10:00 - 23:00 |
| Saturday | 10:00 - 23:00 |
| Sunday | 12:00 - 22:00 |
| Films | |
| Monday | 10:00 - 23:00 |
| Tuesday | 10:00 - 23:00 |
| Wednesday | 10:00 - 23:00 |
| Thursday | 10:00 - 23:00 |
| Friday | 10:00 - 23:00 |
| Saturday | 10:00 - 23:00 |
| Sunday | 12:00 - 22:00 |
| Live music | |
| Monday | 10:00 - 23:00 |
| Tuesday | 10:00 - 23:00 |
| Wednesday | 10:00 - 23:00 |
| Thursday | 10:00 - 23:00 |
| Friday | 10:00 - 23:00 |
| Saturday | 10:00 - 23:00 |
| Sunday | 12:00 - 22:00 |
| Recorded music | |
| Monday | 10:00 - 01:30 |
| Tuesday | 10:00 - 01:30 |
| Wednesday | 10:00 - 01:30 |
| Thursday | 10:00 - 01:30 |
| Friday | 10:00 - 01:30 |
| Saturday | 10:00 - 01:30 |
| Sunday | 12:00 - 23:00 |

Performances of dance

| | |
|-----------|---------------|
| Monday | 10:00 - 23:00 |
| Tuesday | 10:00 - 23:00 |
| Wednesday | 10:00 - 23:00 |
| Thursday | 10:00 - 23:00 |
| Friday | 10:00 - 23:00 |
| Saturday | 10:00 - 23:00 |
| Sunday | 12:00 - 22:00 |

Anything similar to live music, recorded music or performances of dance

| | |
|-----------|---------------|
| Monday | 10:00 - 23:00 |
| Tuesday | 10:00 - 23:00 |
| Wednesday | 10:00 - 23:00 |
| Thursday | 10:00 - 23:00 |
| Friday | 10:00 - 23:00 |
| Saturday | 10:00 - 23:00 |
| Sunday | 12:00 - 22:00 |

Provision of late night refreshment

| | |
|-----------|---------------|
| Monday | 23:00 - 02:00 |
| Tuesday | 23:00 - 02:00 |
| Wednesday | 23:00 - 02:00 |
| Thursday | 23:00 - 02:00 |
| Friday | 23:00 - 02:00 |
| Saturday | 23:00 - 02:00 |

Supply by retail of alcohol

| | |
|-----------|---------------|
| Monday | 10:00 - 01:30 |
| Tuesday | 10:00 - 01:30 |
| Wednesday | 10:00 - 01:30 |
| Thursday | 10:00 - 01:30 |
| Friday | 10:00 - 01:30 |
| Saturday | 10:00 - 01:30 |
| Sunday | 10:00 - 23:00 |

This application had received a representation from Environmental Health and four public representations.

Included in Report

Application
Plan
Current Licence
Environmental Health Representation
4 Public Representations
Hearing Procedures

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 ROBINS NEST @ 129 Ltd T/O WHISKEY BLUE
(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

| | |
|-------------------------|-------------------|
| Premises licence number | 2020/02990/01SPRD |
|-------------------------|-------------------|

Part 1 – Premises Details

| | | | |
|--|-------------|----------|---------|
| Postal address of premises or, if none, ordnance survey map reference or description | | | |
| 129 HIGH STREET SOUTHAMPTON SO14 2BR | | | |
| Post town | SOUTHAMPTON | Postcode | SO142BR |

| | |
|---|------------|
| Telephone number at premises (if any) | [REDACTED] |
| Non-domestic rateable value of premises | £ 63000 |

Part 2 – Applicant details

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

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)

- 1, NEW PLAN FOR AMENDED LAYOUT
- 2, TO REDUCE THE LICENSABLE HOURS OF LIVE MUSIC, RECORDED MUSIC, PERFORMANCE OF DANCE AND ANYTHING SIMILAR
- 3, TO ADD LICENSABLE ACTIVITIES PLAY AND FILMS
- 4, REMOVE ALL CURRENT LICENCING CONDITIONS AND REPLACE WITH THE FOLLOWING, PLEASE SEE SHEET "ONE" ATTACHED

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:

N/A

1 NOISE

No noise generated on the premises or by its associated plant or equipment shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

Doors and windows will be closed when regulated entertainment takes place.

All recorded music (inside or outside) will cease 30 minutes prior to closing.

No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 22.00 hours and 08.00 hours on the following day.

The outside seating area adjacent to Castle Way shall be cleared of customers by 10.00pm on any day.

There shall be no admission to the premises, except for disabled access, from the Castle Way entrance after 10.00pm on any day.

The primary means of exit from the premises shall be via the exit leading directly to the High Street after 10:00pm on any day.

2 SIA DOOR STAFF

SIA Door staff will be employed on a risk assessed basis to help prevent disorder and assist with quietly dispersing customers to the reasonable satisfaction of Hampshire Constabulary. Door staff when on duty will assist with the quiet dispersal of customers for a minimum of twenty minutes after closure. Should Hampshire Constabulary or Southampton City Council raise concerns over complaints from members of the public or criminal offences door staff will be employed to the reasonable satisfaction of Hampshire Constabulary.

3 INCIDENT LOG

An incident book or electronic log will be provided and maintained at the premises. It will remain on the premises at all times and will be available to police for inspection upon request. Any incidents that include physical altercation or disorder, physical ejection, injury, id seizure will be recorded in the incident book. The entry is to include an account of the incident and the identity of all person(s) involved (or descriptions of those involved if identity is not known). Should there be any physical interaction by members of staff and the public the entry will include what physical action occurred between each party. The entry shall be timed, dated and signed by the author. If the member of staff creating the entry has difficulties reading or writing then the entry may be written by another staff member. This should however be read back to the person creating the entry and counter signed by the person who wrote the entry. At the end of each week the incident book will be checked by the manager on duty, where any entries will be reviewed and signed. The Incident log will be retained for 12 months.

4 DISPERSAL POLICY/NOTICES

Notices will be displayed in prominent positions at the exit of the premises requesting customers to leave quickly and quietly. Any customers congregating or loitering outside after leaving the premises will be asked to depart quickly and quietly.

5 CHALLENGE 25

There will 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 driving licence,

passport or photographic identification bearing the "PASS" logo and the person's 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.

6 REFUSALS LOG

A written or electronic 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 manager. 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 refusals will be retained for 12 months.

7 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 will be kept 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.

8 CCTV

CCTV cameras to be installed, these cameras need to be located within the premises to cover all public areas including outside of the premises covering the entrance and exit. 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 viewable format on either USB, disc or VHS. Footage supplied in a digital format on CD or DVD will also have a copy of the CCTV system software enabled on the disc to allow playback. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Hampshire Western Police Licensing Unit within 24 hours.

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

A

| Plays Standard days and timings (please read guidance note 8) | | | Will the performance of a play 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 | | | |
| Mon | 10.00 | 23.00 | Please give further details here (please read guidance note 5) LOCAL SCHOOL AND COLLEGES, PERFORMING ARTS CLUBS PUTTING ON PLAYS + THEATRE | | |
| Tue | 10.00 | 23.00 | | | |
| Wed | 10.00 | 23.00 | State any seasonal variations for performing plays (please read guidance note 6) N/A | | |
| Thur | 10.00 | 23.00 | | | |
| Fri | 10.00 | 23.00 | Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7) N/A | | |
| Sat | 10.00 | 23.00 | | | |
| Sun | 12.00 | 22.00 | | | |
| | | | | | |

B

| Films Standard days and timings (please read guidance note 8) | | | Will the exhibition of films 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 | Please give further details here (please read guidance note 5) | | |
| Mon | 10.00 | 23.00 | WE MAY SOMETIMES HIRE THE VENUE FOR SPECIAL SCREENINGS AND EXHIBITIONS | | |
| Tue | 10.00 | 23.00 | | | |
| Wed | 10.00 | 23.00 | State any seasonal variations for the exhibition of films (please read guidance note 6) | | |
| Thur | 10.00 | 23.00 | N/A | | |
| Fri | 10.00 | 23.00 | Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7) | | |
| Sat | 10.00 | 23.00 | | | |
| Sun | 12.00 | 22.00 | | | |

C

| | | | |
|---|-------|--------|---|
| Indoor sporting events Standard days and timings (please read guidance note 8) | | | Please give further details (please read guidance note 5) |
| Day | Start | Finish | |
| Mon | | | State any seasonal variations for indoor sporting events (please read guidance note 6) |
| Tue | | | |
| Wed | | | 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 (please read guidance note 7) |
| Thur | | | |
| Fri | | | |
| Sat | | | |
| Sun | | | |

D

| | | | | | |
|---|-------|--------|--|----------|--------------------------|
| Boxing or wrestling entertainments Standard days and timings (please read guidance note 8) | | | Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| Day | Start | Finish | Both <input type="checkbox"/> | | |
| Mon | | | Please give further details here (please read guidance note 5) | | |
| Tue | | | | | |
| Wed | | | State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6) | | |
| Thur | | | | | |
| Fri | | | 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 (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 checked="" type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 5) LIVE MUSIC FROM SOLO, ACOUSTIC TO FULL BANDS | | |
| Mon | 10.00 | 23.00 | | | |
| Tue | 10.00 | 23.00 | State any seasonal variations for the performance of live music (please read guidance note 6) N/A | | |
| Wed | 10.00 | 23.00 | | | |
| Thur | 10.00 | 23.00 | Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7) N/A | | |
| Fri | 10.00 | 23.00 | | | |
| Sat | 16.00 | 23.00 | | | |
| Sun | 12.00 | 22.00 | | | |

REDUCTION of HOURS

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 | Please give further details here (please read guidance note 5) | | |
| Mon | 10.00 | 01.30 | | | |
| Tue | 10.00 | 01.30 | State any seasonal variations for the playing of recorded music (please read guidance note 6) | | |
| Wed | 10.00 | 01.30 | | | |
| Thur | 10.00 | 01.30 | 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 (please read guidance note 7) | | |
| Fri | 10.00 | 01.30 | | | |
| Sat | 10.00 | 01.30 | | | |
| Sun | 12.00 | 23.00 | | | |

REDUCTION of HOURS

G

| Performances of dance Standard days and timings (please read guidance note 8) | | | <u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4) | Indoors | <input checked="" type="checkbox"/> |
|--|-------|--------|--|--|-------------------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | 10.00 | 23.00 | <u>Please give further details here</u> (please read guidance note 5) AS SHEET A PLUS SALSA AND LOCAL DANCE CLUBS | Both | <input type="checkbox"/> |
| Tue | 10.00 | 23.00 | | | |
| Wed | 10.00 | 23.00 | | <u>State any seasonal variations for the performance of dance</u> (please read guidance note 6) | |
| Thur | 10.00 | 23.00 | | N/A | |
| Fri | 10.00 | 23.00 | | <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> (please read guidance note 7) | |
| Sat | 10.00 | 23.00 | | N/A | |
| Sun | 12.00 | 22.00 | | N/A | |

REDUCTION of HOURS

H

| | | | | | |
|--|-------|--------|---|----------|-------------------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8) | | | Please give a description of the type of entertainment you will be providing MAGIC, COMEDY NIGHTS, ENTERTAINMENT NIGHTS INC KARAOKE | | |
| Day | Start | Finish | Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4) | Indoors | <input checked="" type="checkbox"/> |
| Mon | 10.00 | 23.00 | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Tue | 10.00 | 23.00 | Please give further details here (please read guidance note 5) | | |
| Wed | 10.00 | 23.00 | | | |
| Thur | 10.00 | 23.00 | State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6) | | |
| Fri | 10.00 | 23.00 | | | |
| Sat | 10.00 | 23.00 | 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 (please read guidance note 7) | | |
| Sun | 12.00 | 22.00 | | | |

REDUCTION of HOURS

| Late night refreshment Standard days and timings (please read guidance note 8) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4) | Indoors | <input checked="" type="checkbox"/> |
|---|-------|--------|---|----------|-------------------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | 23.00 | 02.00 | Please give further details here (please read guidance note 5) | Both | <input type="checkbox"/> |
| Tue | 23.00 | 02.00 | | | |
| Wed | 23.00 | 02.00 | State any seasonal variations for the provision of late night refreshment (please read guidance note 6) | | |
| Thur | 23.00 | 02.00 | | | |
| Fri | 23.00 | 02.00 | 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 (please read guidance note 7) | | |
| Sat | 23.00 | 02.00 | | | |
| Sun | | | | | |

* SUNDAY NOT REQUIRED AS WE CLOSE AT 23.00
REDUCTION OF HOURS.

J

| Supply of alcohol Standard days and timings (please read guidance note 8) | | | Will the supply of alcohol be for consumption – please tick (please read guidance note 9) | On the premises | <input type="checkbox"/> | |
|--|-------|--------|---|---|-------------------------------------|--|
| Day | Start | Finish | | Off the premises | <input type="checkbox"/> | |
| Mon | 10.00 | 01.30 | State any seasonal variations for the supply of alcohol (please read guidance note 6) | Both | <input checked="" type="checkbox"/> | |
| Tue | 10.00 | 01.30 | | | | |
| Wed | 10.00 | 01.30 | | | | |
| Thur | 10.00 | 01.30 | | 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 (please read guidance note 7) | | |
| Fri | 10.00 | 01.30 | | | | |
| Sat | 10.00 | 01.30 | | | | |
| Sun | 10.00 | 23.00 | | | | |

n/a

n/a

* REDUCE HOURS FROM EXISTING LICENCE

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).

WE HOPE TO PUT ON EVENINGS AIMED AT THE HEN AND LADIES NIGHTS MARKET SEVERAL TIMES A YEAR, USING A PROFESSIONAL PROMOTION COMPANY FOR BRIDAL PARTIES ETC WITH SEMI NUDE DANCERS - THESE NIGHTS WILL BE TICKETED AND ADULTS ONLY

L

| Hours premises are open to the public Standard days and timings (please read guidance note 8) | | | State any seasonal variations (please read guidance note 6) |
|---|-------|--------|---|
| Day | Start | Finish | |
| Mon | 8:00 | 02:30 | n/a |
| Tue | 8:00 | 02:30 | |
| Wed | 08:00 | 02:30 | |
| Thur | 08:00 | 02:30 | |
| Fri | 08:00 | 02:30 | |
| Sat | 08:00 | 02:30 | |
| Sun | 08:00 | 23:00 | |
| | | | |

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 (please read guidance note 7)

n/a

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.

* PLEASE NOTE - WE OPERATE A CAFE/COFFEE SHOP MONDAY TO SUNDAY, HENCE THE EARLY OPENING TIMES

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)

SEE SHEET "TWO"

b) The prevention of crime and disorder

SEE SHEET "TWO"

c) Public safety

SEE SHEET "TWO"

d) The prevention of public nuisance

SEE SHEET "TWO"

e) The protection of children from harm

SEE SHEET "TWO"

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 | [REDACTED] |
| Date | 4 / SEPT / 2023 |
| Capacity | OWNER / DIRECTOR |

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 | |

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

| | | | |
|---|--|-----------|--|
| | | | |
| Post town | | Post code | |
| Telephone number (if any) | | | |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) | | | |

1. The prevention of crime and disorder

FULLY QUALIFIED AND CLEARLY VISIBLE SIA DOOR SUPERVISORS ON ANY EVENINGS WHERE MORE THAN 100 PEOPLE WILL BE PRESENT
MULTI CHANNEL RADIOS WILL BE HELD BY STAFF AND DOOR SUPERVISORS
RECORD LOG FOR REFUSAL AND INCIDENTS
CCTV RECORDING INSIDE AND OUTSIDE VENUE
NO DRINKS OUTSIDE THE REAR OF THE VENUE ON THE TERRACE (CASTLE WAY) AFTER 11PM
NO DRINKS OUTSIDE THE FRONT OF THE VENUE AFTER 7PM CAPACITY WILL NOT EXCEED THE NUMBER AS ADVISED AND CAPACITY COUNTER WILL BE USED AT ALL TIMES BY DOOR SUPERVISOR AND LOGGED THROUGHOUT THE EVENINGS ENTRANCE TO VENUE ON HIGH STREET ENTRANCE ONLY AFTER 8PM
EXIT FROM VENUE ON HIGH STREET ONLY FROM 23.00PM TERRACE ON CASTLE WAY CLOSED AT 23.00PM
PROOF OF AGE REQUIRED AT THE ENTRANCE
NO IRRESPONSIBLE DRINKS PROMOTIONS OR ALL INCLUSIVE DRINK PROMOTIONS

2. Public safety

FIRE RISK ASSESSMENT AND CONTROLLED MEASURES
ALL EXIT DOORS ARE EASILY OPERABLE AND CHECKED REGULARLY
ALL REMOVABLE SECURITY FASTENINGS ARE REMOVED WHEN PREMISES IS OPEN TO PUBLIC
STEP AND STAIR EDGES ARE MARKED AND LIT WHERE POSSIBLE ALL MATERIAL IS FIRE RETARDANT, ANY HANGINGS OR TEMPORARY DECORATIONS WILL COMPLY WITH FIRE SAFETY REGULATIONS
ACCESS FOR EMERGENCY VEHICLES WILL BE KEPT CLEAR SEATING IS AVAILABLE IN ALL AREAS OF THE BUILDING ADEQUATE ARRANGEMENTS EXIST TO ENABLE THE SAFE MOVEMENT FOR DISABLED PEOPLE IN AN EMERGENCY
NO SMOKING OR VAPING ALLOWED INSIDE THE BUILDING AT ANYTIME
FIRST AID EQUIPMENT ON SITE AT ALL TIMES
SUITABLE LIGHTING AND SIGNAGE FOR SAFE MOVEMENT AROUND THE BUILDING
ALL EQUIPMENT AND WIRES ARE SAFELY OUT OF THE PUBLICS WAY AND NOT CAUSING ANY DISRUPTION TO ACCESS AROUND THE BUILDING

3. The prevention of public nuisance

NOISE OR VIBRATION FROM THE PREMISES WILL BE MAINTAINED AT A LEVEL THAT WILL NOT BE A NUISANCE,
SOUND PROOFING MEASURES, NOISE REDUCTION PLAN AND DOUBLE GLAZED WINDOWS TO PREVENT NOISE.
PREMISES IS AIR CONDITIONED TO AVOID THE NEED TO HAVE DOORS OPEN
BOTH ENTRANCE AND EXITS HAS LOBBY AREA TO MINIMISE THE BREAKOUT OF NOISE
NOISE LIMITER IN PLACE
SOUND EQUIPMENT HAS BEEN STRATEGICALLY PLACED TO AVOID A NEGATIVE DIRECTION OF NOISE

LOW LEVEL SOUND SYSTEM IN REGARDS TO A NORMAL LIVE MUSIC VENUE, WE ARE NOT A NIGHT CLUB AND WILL ACTIVELY ENGAGE WITH NEIGHBOURS TO ENSURE THERE IS NO PUBLIC NUISANCE

NO EXIT FROM THE REAR OF THE BUILDING (CASTLE WAY) AFTER 23.00PM

MUSIC LEVEL IS REDUCED AT 23.00PM AND IS DISCERNIBLY QUIETER

THE TERRACE AREA ON CASTLE WAY IS CLOSED TO THE PUBLIC FROM AT 23.00 MONDAY TO SUNDAY

LITTER AND EMPTY BOTTLES ARE CLEARED AWAY THROUGHOUT THE DAY AND NIGHT EVERY DAY AS WELL AS A LOCAL LITTER PICK IN AND AROUND THE BUILDING

4. The protection of children from harm

THE VENUE IN THE EVENINGS IS ADULT ONLY AND NO CHILDREN UNDER THE AGE OF 18 WILL BE PERMITTED AFTER 20.30PM

A CHALLENGE 25 IS IN PLACE

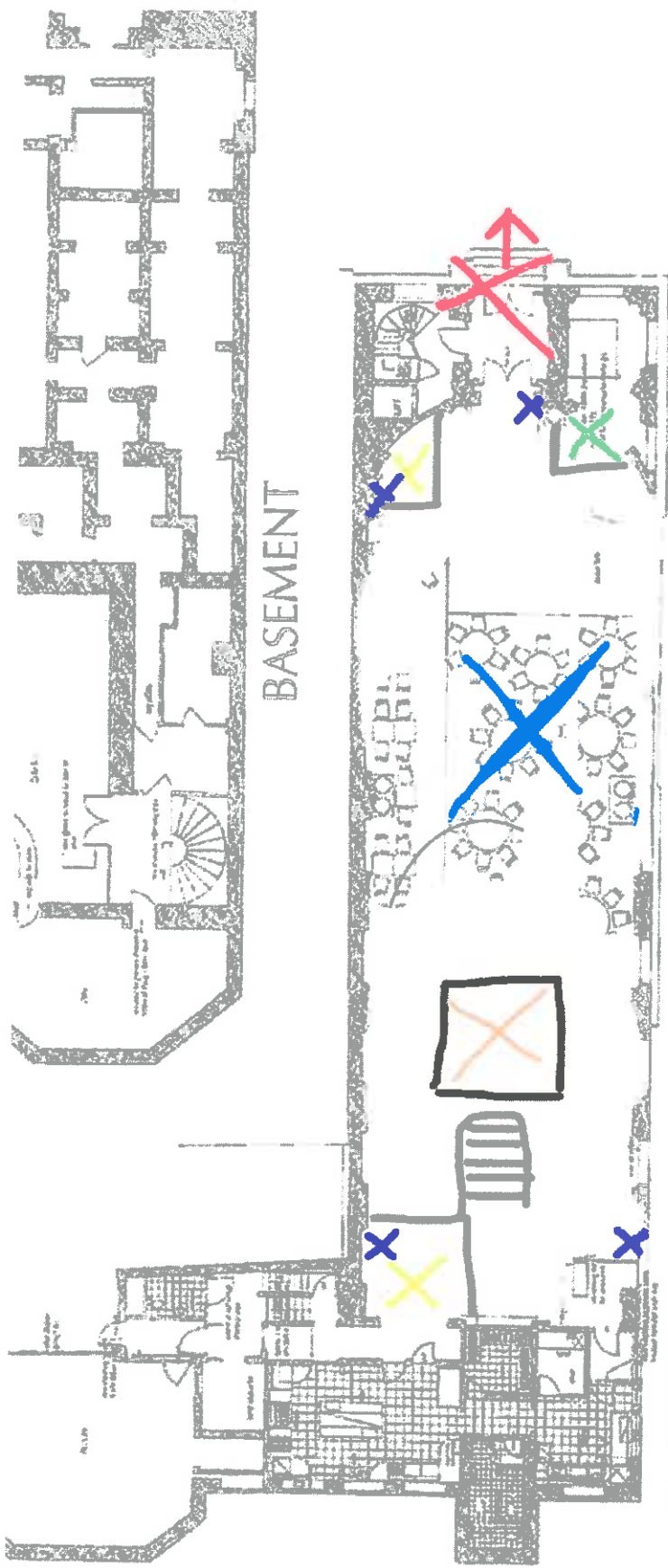
ANY LOCAL PLAYS/CLUBS OR SCHOOLS PERFORMING AT THE VENUE WILL HAVE THEIR OWN SPECIFIC RISK ASSESSMENT CARRIED OUT FOR EACH EVENT IN LINE WITH THE SAFEGUARDING OF CHILDREN,

General steps taken to achieve all four objectives

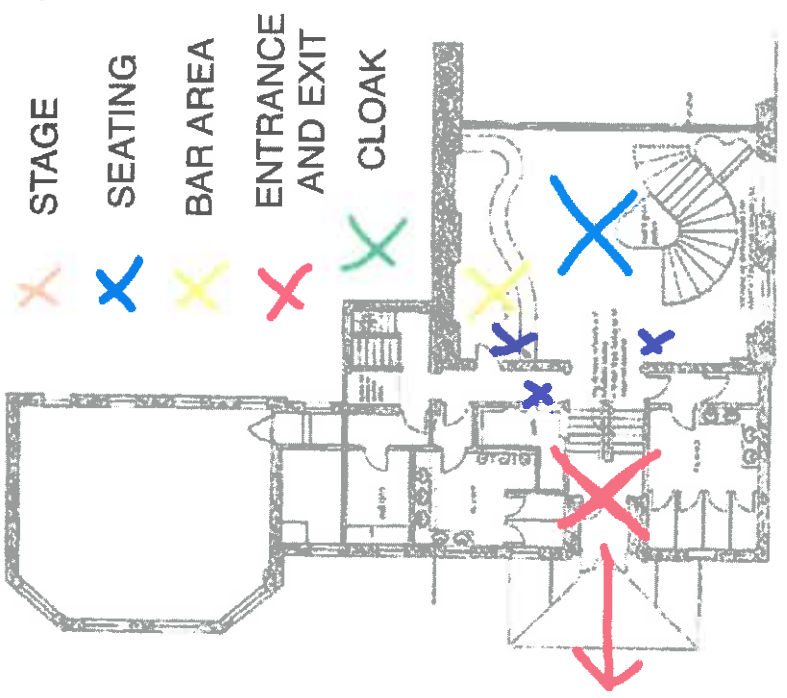
CONSISTENT RECORD KEEPING FOR ALL ASPECTS OF THE BUSINESS

REGULAR DAILY AND WEEKLY CHECKS OF SYSTEMS AND PROCEDURES IN PLACE TO MAKE SURE THE VENUE IS ALWAYS KEPT AT THE HIGHEST STANDARD

CONSTANT COMMUNICATION WITH LOCAL AUTHORITY, LOCAL COMMUNITY



BASEMENT



MEZZANINE FLOOR

- STAGE
- SEATING
- BAR AREA
- ENTRANCE AND EXIT
- CLOAK

Fire extinguisher
GROUND FLOOR

INAL F



SOUTHAMPTON
CITY COUNCIL

Schedule 12
Part A
Premises Licence

Regulation 33,34

Premises licence number 2020/02990/01SPRD

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description,

Whiskey Blue
129 High Street
Southampton
SO14 2BR

Telephone number [REDACTED]

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Live music
Recorded music
Performances of dance
Anything similar to live music, recorded music or performances of dance
Provision of late night refreshment
Supply by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Live music

| | |
|-----------|---------------|
| Monday | 09:00 - 02:00 |
| Tuesday | 09:00 - 02:00 |
| Wednesday | 09:00 - 02:00 |
| Thursday | 09:00 - 02:00 |
| Friday | 09:00 - 02:00 |
| Saturday | 09:00 - 02:00 |
| Sunday | 12:00 - 00:00 |

Recorded music

| | |
|-----------|---------------|
| Monday | 10:00 - 02:00 |
| Tuesday | 10:00 - 02:00 |
| Wednesday | 10:00 - 02:00 |
| Thursday | 10:00 - 02:00 |
| Friday | 10:00 - 02:00 |
| Saturday | 10:00 - 02:00 |
| Sunday | 12:00 - 00:00 |

Performances of dance

| | |
|-----------|---------------|
| Monday | 09:00 - 02:00 |
| Tuesday | 09:00 - 02:00 |
| Wednesday | 09:00 - 02:00 |
| Thursday | 09:00 - 02:00 |
| Friday | 09:00 - 02:00 |
| Saturday | 09:00 - 02:00 |
| Sunday | 12:00 - 00:00 |

Anything similar to live music, recorded music or performances of dance

| | |
|-----------|---------------|
| Monday | 09:00 - 02:00 |
| Tuesday | 09:00 - 02:00 |
| Wednesday | 09:00 - 02:00 |
| Thursday | 09:00 - 02:00 |
| Friday | 09:00 - 02:00 |
| Saturday | 09:00 - 02:00 |
| Sunday | 12:00 - 00:00 |



Provision of late night refreshment

| | |
|-----------|---------------|
| Monday | 23:00 - 02:30 |
| Tuesday | 23:00 - 02:30 |
| Wednesday | 23:00 - 02:30 |
| Thursday | 23:00 - 02:30 |
| Friday | 23:00 - 02:30 |
| Saturday | 23:00 - 02:30 |



Supply by retail of alcohol

| | |
|-----------|---------------|
| Monday | 10:00 - 02:00 |
| Tuesday | 10:00 - 02:00 |
| Wednesday | 10:00 - 02:00 |
| Thursday | 10:00 - 02:00 |
| Friday | 10:00 - 02:00 |
| Saturday | 10:00 - 02:00 |
| Sunday | 12:00 - 00:00 |



The opening hours of the premises

| | |
|-----------|---------------|
| Monday | 09:00 - 02:30 |
| Tuesday | 09:00 - 02:30 |
| Wednesday | 09:00 - 02:30 |
| Thursday | 09:00 - 02:30 |
| Friday | 09:00 - 02:30 |
| Saturday | 09:00 - 02:30 |
| Sunday | 12:00 - 00:30 |



Where the licence authorises supplies of alcohol whether these are on and / or off supplies
Alcohol is supplied for consumption both on and off the premises

Part 2

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

Robins Nest @129 Ltd.
1 Malcolm Close
Chandlers Ford
Hampshire
SO53 5BL



Registered number of holder, for example company number, charity number (where applicable)
12353783

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

Nathan Alexander

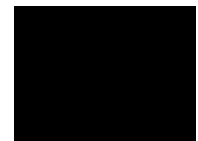


Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence Number: 2020/01668/06EPEN
Licensing Authority: Eastleigh Borough 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 23rd day of September 2020;



Licensing Manager
Southampton & Eastleigh Licensing Partnership
Civic Centre
Southampton
SO14 7LY

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

3 (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).

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

5 (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.

6 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.

7 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.

Annex 2 – Conditions consistent with the operating Schedule

1 CONDITIONS TRANSFERRED FROM THE PUBLIC MUSIC AND DANCING LICENCE

(a) ALTERATIONS

No structural or other alterations of the place licensed or of the facilities and equipment installed therein or of the means of exit there from shall be made without the licensee having submitted to the Licensing Authority detailed plans showing the proposed alterations and having received the Licensing Authority's written approval thereof.

(b) SANITARY CONVENIENCES

Adequate and separate sanitary conveniences shall be provided in the place licensed for persons of each sex to the satisfaction of the Licensing Authority. Such conveniences shall be available free of charge and shall at all times be kept in good order and repair, be properly and effectually cleansed, lighted, ventilated, disinfected and supplied with water and all proper requisites, and the doors leading thereto shall be suitably marked.

(c) REFRESHMENTS

If food or drink is provided in the place licensed for persons resorting thereto all arrangements for and areas in which preparation, storage and service of such refreshment takes or is to take place shall comply with the regulations for food hygiene prescribed by law and for the time being in force, shall be of adequate size, and shall be to the satisfaction of the Licensing Authority.

(d) REFUSE

No refuse, rubbish or waste paper shall be permitted to accumulate in any part of the place licensed.

(e) VENTILATION

All parts of the place licensed shall be suitably and sufficiently ventilated by natural or mechanical means to the satisfaction of the Licensing Authority.

(f) HYPNOSIS

(i) No exhibition, demonstration or performance of hypnotism (as defined in Section 6 of the Hypnotism Act, 1952) shall be given on any person in the place licensed except with the express consent of the Licensing Authority and in accordance with any conditions attached to such consent.

(ii) Application for consent to give an exhibition, demonstration or performance of hypnotism shall include a detailed description of the proposed exhibition and shall be made to the Licensing Authority not less than 21 days before the day on which the exhibition is to be given. Notice of the making of the application shall immediately be given to the Officer in Charge of the Police sub-division in which the place licensed is situate.

(g) MANAGEMENT

(i) A responsible person nominated in writing by the licensee shall be in charge of, and present in the place licensed during all such times as public entertainment is provided therein, or members of the public are present for that purpose.

(ii) During the whole time that public entertainment is provided in the place licensed persons in the employ of or at the direction of the licensee, trained in the routine to be followed in the case of fire or other emergency, shall be present in the place licensed. Advice on the training of such persons may be obtained from the Fire Authority.

(iii) All parts of the place licensed and fittings therein, in particular the seating, door fastenings, floor surfaces and coverings, notices, steps and staircases shall be maintained at all times in good order and condition, and safe, suitable and sufficient means of heating shall be provided, to the satisfaction of the Licensing Authority. The licensee shall, in complying with this condition, take all necessary precautions for the safety of persons frequenting the place licensed.

(h) GOOD ORDER

The licensee shall ensure that no person be admitted to or permitted to remain in the place licensed whilst in a state of intoxication. If any person in the place licensed shall act in a manner offensive to or to the nuisance or annoyance of any other persons he shall forthwith be removed from the place licensed. The licensee shall, if necessary, seek the assistance of the Police in accomplishing this, and shall inform the Police of any conduct likely to cause a breach of the peace.

(i) NUISANCE

No public music, dancing or entertainment of a like kind shall be permitted or suffered to take place in the place licensed which shall be a nuisance, annoyance or inconvenience to any occupant of the premises in which the place licensed is situate or to any occupant of any other premises.

(j) EMERGENCY TELEPHONES

If no telephone service is available in the place licensed there shall be displayed in a conspicuous place a notice giving particulars of the nearest telephone available in an emergency and details of how to summon the emergency services. Any outbreak of fire must, immediately on its discovery, be reported to the Fire Authority.

(k) FIRE FIGHTING EQUIPMENT

All fire fighting equipment provided in the place licensed shall be examined at least once annually. In particular portable fire extinguishers shall be so examined and tested by a competent person in accordance with British Standard Code of Practice 5306; Part 3, 1980. The date of such test shall be clearly marked on the extinguisher or on stout tabs attached thereto. The licensee shall produce, if required by the Licensing Authority a certificate stating that all fire fighting equipment has been so examined and tested.

(l) INFLAMMABLE MATERIALS

(i) Highly inflammable material must not be used in connection with any public entertainment provided in the place licensed unless it has been rendered fire retardant to the satisfaction of the Licensing Authority and is maintained in that condition. No naked flame shall be used in connection with any public

entertainment provided in the place licensed except with the specific written consent of the Licensing Authority, and subject to any conditions attached to such consent.

(ii) No explosive, highly inflammable or combustible substance, whether solid or liquid, shall be brought into or used or without the written consent of the Licensing Authority and subject to any conditions attached to such consent.

(m) ELECTRICAL INSTALLATIONS AND INSPECTIONS

(i) Within one month of the Licensing Authority requiring an inspection to be carried out, the licensee shall, at his own expense, arrange for all the electrical installations in the place licensed to be inspected by a competent and qualified electrician and a certificate stating the condition of the installation shall, immediately after each inspection, be forwarded to the Licensing Authority by the licensee.

(ii) Any alterations or additions, whether permanent or temporary, to the electrical installations in the place licensed shall only be carried out by a competent and qualified electrician, and shall be in accordance with the Regulations for Electrical Equipment in Buildings (Institution of Electrical Engineers).

(iii) All electrical switches in connection with the lighting or hearing of the place licensed shall be guarded or out of reach of persons resorting to the place licensed.

(n) CONSTRUCTION

(i) Wall and Ceiling Linings, Insulation, Treatment, etc. - Any material used as a wall or ceiling lining, or as a suspended ceiling, or for acoustic or thermal insulation purposes shall be to the Licensing Authority's satisfaction and shall be fixed and supported in such manner as may be approved by the Licensing Authority.

Note: For the purpose of this condition the Licensing Authority will normally require such material to be non-combustible or be rated Class 1 of the classification for surface spread of flame when tested in accordance with the appropriate provisions of B.S. 476; Part 7, 1971, and be throughout its thickness of no greater flammability than its surface. Certain other materials may, however, be accepted, subject to compliance with such conditions as the Licensing Authority may consider appropriate in the circumstances of the case.

(ii) Decorative Features and Finishings - Any fixed or permanent decorative feature shall be of such materials as would be permitted for wall or ceiling linings. Any decorative surface finishing, including any fabric, shall be either non-combustible, inherently non-flammable or durably flameproof except that wallpaper and similar thin surface finishing may be accepted provided that it is fixed firmly with an adhesive approved by the Licensing Authority.

(o) CEILINGS

If the Licensing Authority require, provision shall be made, to the Licensing Authority's satisfaction, for the examination from above of any suspended ceiling over such parts of the place licensed frequented by persons resorting thereto and thereto and such other parts of the premises as the Licensing Authority may deem necessary.

(p) SEATING AND GANGWAYS

Seating, tables and chairs and other furniture and fittings in the place licensed shall be so arranged as to allow free and ready access to the exits.

(q) LIGHTING

(i) Provision - All parts of the place licensed shall be provided with adequate means of illumination and, except where otherwise permitted in writing by the Licensing Authority, those parts to which the public have access and all routes of escape for performers or staff shall be provided with adequate means of illumination from two independent sources.

(ii) Standard of Illumination - The illumination from each source shall be sufficient to enable the public, performers and staff to see their way out of the place licensed in safety at any time, and shall not be derived from prepayment meters.

(iii) Segregation of the Two Systems of Lighting - Where two lighting systems are provided each shall be so installed that a fault or accident arising on one system shall not jeopardise the other.

(iv) Illumination of Exit Notices - The exit notices required by the following Condition shall be provided with adequate means of illumination from two independent sources. Where the general lighting may be dimmed or extinguished whilst the public are present in the place licensed the exit notices shall be internally illuminated and shall conform with B.S. 2560; 1978. The lighting points for the illumination of

those exit notices which are not required to be internally illuminated shall be located in proximity to the notices.

(r) EXIT NOTICES

(i) Form and Position - All doors or openings approved as exits shall be clearly indicated (above the door where possible) by the word "EXIT" or the words "EMERGENCY EXIT". Where an exit or emergency exit is not immediately visible to members of the public supplementary "EXIT" or "EMERGENCY EXIT" signs and arrows shall be placed so as to indicate the location of the exit or emergency exit to the satisfaction of the Licensing Authority. All "EXIT" or "EMERGENCY EXIT" signs shall be in plain letters not less than 75 millimetres high and shall be between 2.0 and 2.5 metres above floor level. Unless otherwise permitted by the Licensing Authority, no other notice or wording shall be incorporated in, or form part of, an exit notice.

(ii) Doors other than Exits - Any door or opening, other than an exit, which leads to parts of the place licensed accessible to the public, shall have a conspicuous notice indicating the use of such parts. Any door not usable by the public shall be similarly indicated or shall be marked "PRIVATE". Notices bearing the words "NO EXIT" or "NO WAY OUT" shall not be provided.

(s) EXITS

(i) Doors and Fastenings - Unless otherwise permitted in writing by the Licensing Authority, exit doors and gates shall open in the direction of exit, and shall in all cases be free from fastenings other than panic bolts or such fastenings as may be approved by the Licensing Authority.

(ii) Exit Routes - All exit routes including passages, courts, ramps, gangways corridors and stairways, to which the public have access and which lead from the place licensed to the outside, shall at all times be kept free from obstruction.

(t) SPECIAL EFFECTS

No laser beam or other hazardous effect may be used in the place licensed without the prior written approval of the Licensing Authority. The licensee shall give at least 21 days' written notice to the Licensing Authority of such proposed use to allow adequate consideration.

(u) DOOR SUPERVISORS

All references in this licence to door supervisors shall mean door supervisors licensed pursuant to the Private Security Industry Act 2001 by the Security Industry Authority.

(v) The licensee shall ensure that all door supervisors engaging in licensable conduct (as defined in section 25 and paragraph 8 of schedule 2 of the Private Security Industry Act 2001) at the place licensed are licensed in accordance with the provisions of the Private Security Industry Act 2001.

(w) The Licensee(s) shall maintain a duty register giving details of every person at the place licensed engaging in licensable conduct, as defined in section 25 and paragraph 8 of schedule 2 of the Private Security Industry Act 2001, and the Licensee(s) shall immediately provide, on request by any authorised Officer of the Licensing Authority, Police Officer, or authorised Officer of the Security Industry Authority, the following details: -

- (i) the licence number, name, date of birth and residential address of that person;
- (ii) the time at which that person commenced that period of duty, with the signed acknowledgement of that person;
- (iii) the time at which that person finished that duty that period of duty, with the signed acknowledgement of that person;
- (iv) any times during the period of duty when the person was not on duty;
- (v) if that person is not an employee of the Licensee(s), the name of the person by whom that person is employed or through whom the services of that person were engaged;
- (vi) the duty register shall be so kept that it can be readily inspected by a authorised Officer of the Licensing Authority, Police Officer, or authorised Officer of the Security Industry Authority
- (vii) the duty register shall comprise of a bound book with pages consecutively numbered and the Licensee(s) shall ensure that it is kept in a secure environment in order to prevent unauthorised access or alteration to the same.

2 Special conditions transferred from the Public Music and Dance Certificate.

- i - No more than 200 (two hundred) persons shall be present in the place licensed at any one time.
- ii - Public entertainment shall only be provided in the place licensed between 12.00 noon and 12 midnight, except when the day following is a Bank Holiday (not being Easter Monday) when the terminal hour for public entertainment shall be 2.00am the following morning on any Sunday and between 09.00am and 02.00am the following morning on any other day.
- iii - Public entertainment shall only be provided in the ground floor restaurant part of the place licensed.
- iv - The outside seating area adjacent to Castle Way shall be cleared of customers by 10.00pm on any day.
- v - There shall be no admission to the premises, except for disabled access, from the Castle Way entrance after 12.30am on any day.
- vi - The primary means of exit from the premises shall be via the exit leading directly to the High Street after 12.15am on any day.

3 (a) Subject to the following paragraphs, the permitted hours on weekdays shall extend until 02:00 in the morning following [or, if an earlier hour is specified in the special hours certificate, that hour], except that -

- (i) the permitted hours shall end at 00:00 on any day on which music and dancing is not (or, in the case of casino premises, gaming facilities are not) provided after 00:00; and
- (ii) on any day that music and dancing end (or, in the case of casino premises, gaming ends) between 00:00 and 02:00 in the morning, the permitted hours shall end when the music and dancing end or, as the case may be, when the gaming ends;

(b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect -

- (i) with the substitution of references to 03:00 in the morning for references to 02:00 in the morning [or one hour following the hour actually specified in the certificate where the certificate currently requires closure between 01:00 and 02:00]

(c) Except as provided in (d) below, the permitted hours on Sundays shall extend until 00:30 in the morning following [or, if an earlier hour is specified in the special hours certificate, that hour], except that -

- (i) the permitted hours shall end at 00:00 on any Sunday on which music and dancing is not (or, in the case of casino premises, gaming facilities are not) provided after midnight;
- (ii) where music and dancing end (or, in the case of casino premises, gaming ends) between midnight on any Sunday and 00:30, the permitted hours on that Sunday or, as the case may be, when the gaming ends.

(d) On Sundays immediately before bank holidays other than Easter Sunday, the permitted hours shall extend until 02:00 in the morning following, except that -

- (i) the permitted hours shall end at midnight on any Sunday on which music and dancing is not (or, in the case of casino premises, gaming facilities are not) provided after midnight;
- (ii) where music and dancing end (or, in the case of casino premises, gaming ends) between midnight on any Sunday and 02:00, the permitted hours on that Sunday shall end when the music and dancing end or, as the case may be, when the gaming ends.

(e) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

(f) Late night refreshment may additionally be provided up to 30 minutes after the terminal hour for the sale or supply of alcohol on any day.

4 CONDITIONS TRANSFERRED FROM JUSTICES ON-LICENCE

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
- (c) On Good Friday, 12:00 to 22:30
- (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30
- (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00
- (f) On New Year's Eve on a Sunday, 12:00 to 22:30
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The playing of recorded music is permitted in the premises between the times on the days set out above.

Late night refreshment may additionally be provided up to 30 minutes after the terminal hour for the sale or supply of alcohol on any weekday.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the consumption of alcohol on the premises by, or the taking of alcohol by, or the sale or supply of alcohol to, any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there; or
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

5 Other conditions transferred from the Justices On Licence

i - The character of the ground floor of the premises shall be and remain that of a restaurant and banqueting hall.

ii - Substantial food shall be available at all times when the premises are open for the sale of intoxicating liquor.

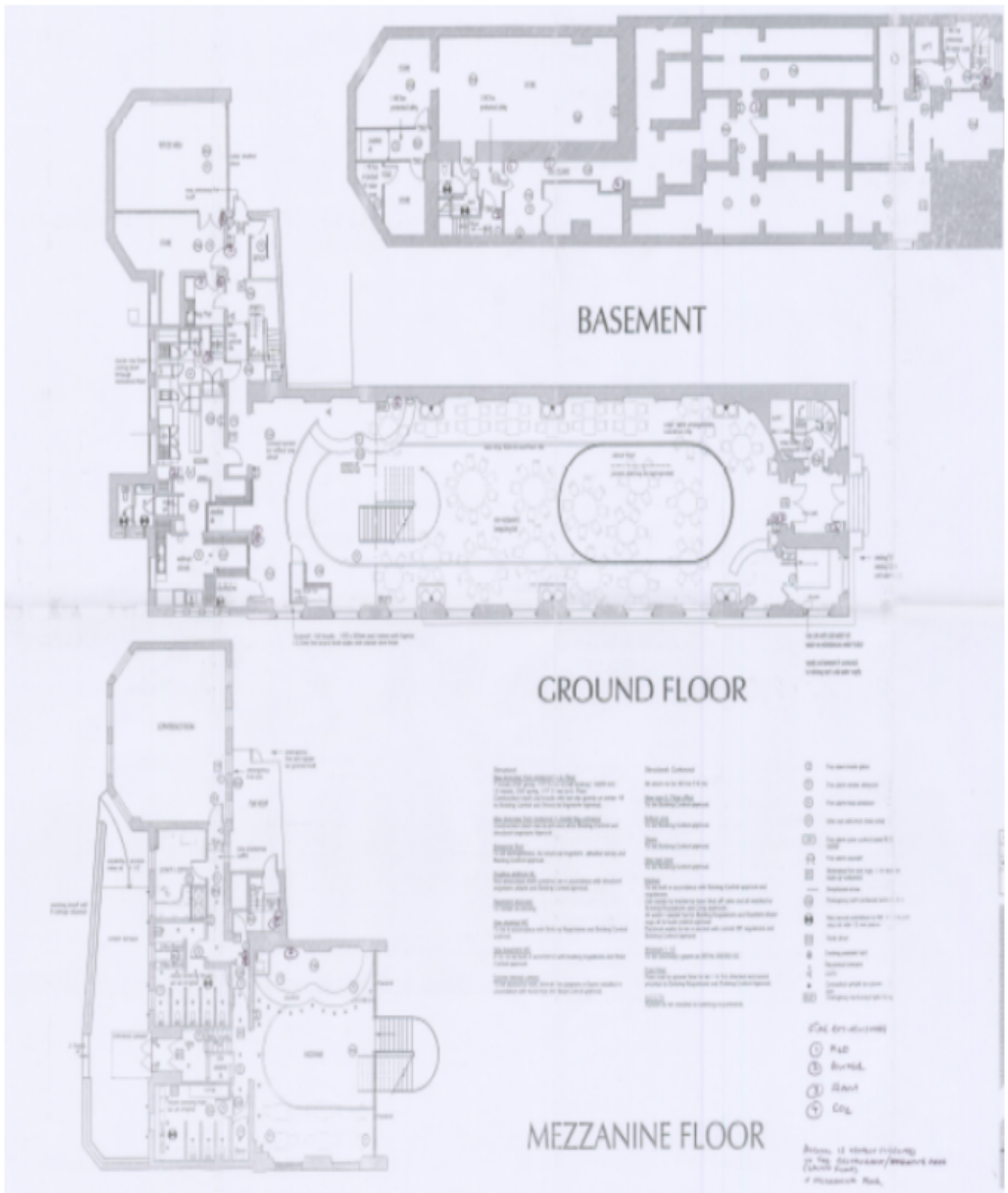
6 EMBEDDED CONDITIONS FROM CHILDREN AND YOUNG PERSONS ACT 1933

It is a condition of your licence that you comply with the extant provisions of the Children and Young Persons Act 1933, as amended.

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

1 None

Annex 4 – Plans



Plan not reproduced to scale.

From: [Young, Tricia](#)
To: [Idox DMS Licensing](#)
Subject: FW: Noise abatement notices for Amplified Sound and Live Music Whiskey Blue 129 High Street 23/07699/NOIS12 - EH Rep - 2023/03137/01SPRV
Date: 03 October 2023 09:15:06

From: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Taylor, Matthew [REDACTED]
Sent: Monday, October 2, 2023 4:19 PM
To: [REDACTED] Brooks, Neil
[REDACTED]
Cc: Jeffery, Elaine [REDACTED] >
Subject: RE: Noise abatement notices for Amplified Sound and Live Music Whiskey Blue 129 High Street 23/07699/NOIS12

Good Afternoon Karen,

Thank you for confirming that the final day for representations is today.

I note that Elaine has previously commented regarding this application, however in light of recently gathered evidence we (Environmental Health) would like to make a representation.

We note that the applicant has provided a set of conditions under the Prevention of Public Nuisance Section namely:

“Noise or Vibration from the premises will be maintained at a level that will not be a nuisance.”

As confirmed by the service of notices today upon the directors the business is currently creating a nuisance through noise and vibration with relation to Live Music events.

It would therefore be improper to allow a licence to be granted which is likely to breach its conditions shortly after the granting of the licence.

I make this representation in the knowledge that a hearing will be required, and we will inform you if this hearing is not required prior to the hearing date following further discussions.

Kind Regards
Matthew Taylor
Principal Environmental Health Officer
Directorate for Place
Southampton City Council

From: Head, Karen [REDACTED]
Sent: Monday, October 2, 2023 3:43 PM
To: Brooks, Neil [REDACTED]
Cc: Taylor, Matthew [REDACTED]; Jeffery, Elaine
[REDACTED] >

Subject: RE: Noise abatement notices for Amplified Sound and Live Music Whiskey Blue 129 High Street 23/07699/NOIS12

Thanks for the information.

Please note the closing date of the current variation should you wish to comment further/make representation is today (2/10/23).

Kind Regards

Karen Head
Licensing Enforcement Officer
Southampton and Eastleigh Licensing Partnership
Southampton City Council

[REDACTED] Brooks, Neil [REDACTED] >

Sent: Monday, October 2, 2023 1:18 PM

To: Licensing <Licensing@southampton.gov.uk>

Cc: Taylor, Matthew [REDACTED]; Jeffery, Elaine
<[REDACTED]>

Subject: Noise abatement notices for Amplified Sound and Live Music Whiskey Blue 129 High Street 23/07699/NOIS12

Hello Licensing

Just to let you know that I have today, via post, served two noise abatement notices from Amplified Sounds and Live Music on the two directors. So four notices in total.

Elaine. For info.

Kind regards
Neil

Neil Brooks
Senior Environmental Health Technician – Central
Directorate for Place
Southampton City Council

[REDACTED]

From: [Young, Tricia](#) on behalf of [Licensing](#)
To: [Idox DMS Licensing](#)
Subject: FW: Comments for Licensing Application 2023/03137/01SPRV - Andre Brasil
Date: 11 September 2023 07:58:07

From: publicaccess@southampton.gov.uk <publicaccess@southampton.gov.uk>
Sent: Sunday, September 10, 2023 10:51 AM
To: Licensing <Licensing@southampton.gov.uk>
Subject: Comments for Licensing Application 2023/03137/01SPRV

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

Comments were submitted at 10:50 AM on 10 Sep 2023 from Mr Andre Brasil.

Application Summary

Address: 129 High Street Southampton SO14 2BR
Proposal: Premises Licence - Variation
Case Officer: Tricia Young
[Click for further information](#)

Customer Details

Name: Mr Andre Brasil
Email: [REDACTED]
Address: 129 High Street, Southampton SO14 2BR

Comments Details

Commenter Type: Neighbour
Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 10:50 AM on 10 Sep 2023 I live directly above Whiskey Blue. The noise and vibrations emerging from the bar are making my home unlivable. I cannot have a peaceful evening without the noise interfering with my activities such as reading or even watching TV. I cannot go to sleep at a reasonable time anymore either.

Evidently, the space has not been soundproofed, or at least to an acceptable level. I have asked multiple times to keep the noise level down but got ignored on every instance.

To me, it seems that Whiskey Blue is not working towards respecting their neighbours and so I object on this license application and I hope consideration is given to me and the rest of my neighbours.

Yours sincerely,
Andre.

From: [Young, Tricia](#) on behalf of [Licensing](#)
To: [Idox DMS Licensing](#)
Subject: FW: Variation application- Whiskey Blue 129 High street
Date: 05 September 2023 10:26:07

From: Lorna Powell [REDACTED] >
Sent: Tuesday, September 5, 2023 9:22 AM
To: Licensing <Licensing@southampton.gov.uk>
Subject: Variation application- Whiskey Blue 129 High street

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Dear Sir/Madam,

I am writing regarding the licensing variation application which is currently open for consultation for Whiskey Blue, 129 High street, Southampton, SO14 2BR.

As a resident of the building I have been experiencing issues with the noise and vibrations emanating from Whiskey Blue since they opened last month. I have a noise complaint open with Environmental Health (23/07699/NOIS12) and have had confirmation from my contact Neil Brooks that the noise is at a level where he is contacting to venue to discuss how they can reduce the noise.

I have a few concerns with the proposed new license conditions (I have previously raised concerns/queries with Karen Head around their current license), I will address these below.

- 1- "Sheet one" of the application details that 'No noise generated on the premises or by its associated plant or equipment shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance'. I query how this can be guaranteed when noise and vibrations from the premises are currently causing a nuisance to residents. Can the requirement to sound proof the building be a condition of the variation being granted?
- 2- I understand that the current license permits public entertainment until 00:00 and retail of alcohol until 23:00 (confirmed via email by Karen Head), from discussions I have had with Whiskey Blue they believe they are permitted to do these activities until 02:00 due to the current complicated conditions of their license. This means that many of the changes listed as 'reduction of hours' in the variation are in fact an extension, including supply of alcohol, opening hours and recorded music. All of which will certainly be detrimental to residents ability to enjoy their properties and to sleep.
- 3- The current schedule of live music includes DJs, jazz, modern jazz, and open mic nights- which whilst creating an unbearable level of noise (particularly from clapping, whooping and microphoned voices which carry particularly well through my floor) in our property they are at least performed by actual musicians. I have concerns over part H and K that the addition of karaoke and Hen Parties will add an extra kind of disturbing noise in my home.
- 4- "Sheet 2" part 3 details sound proofing measures, noise reduction plans, double glazed windows and noise limiters to reduce public nuisance. I would appreciate knowing details of these measures- having been enquiring about sound proofing measures for several months with both Whiskey Blue and the landlord of the building I have been repeatedly told that it is not possible due to the listed status of the building. Similarly, I have enquired about the 'noise limiter' with both Whiskey Blue and

my landlord, to ascertain whether I can have input to the level it is set at and how it works, and was never afforded a response. But I also struggle to understand how a noise limiter can limit the live playing of trumpets and other loud instruments.

I have previously invited the bar manager and sound technician of Whiskey Blue up to my flat to hear the noise levels and they both agreed that it was unreasonable and were sympathetic, but I was ultimately told that they have a bar to run and it was out of their control but they would pass the concern on to the business owners. I would like to extend the offer to any of your team that may wish to hear (/feel) the noise levels on a night that live music is on (5 nights a week), if it will help my case.

Kind regards,

Lorna Powell

Flat B, 129 High Street, Southampton

From: [Mitchell Cooke](#)
To: [Licensing](#)
Cc: [Lorna Powell](#)
Subject: Variation application- Whiskey Blue 129 High street
Date: 05 September 2023 10:28:30

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Dear Sir/Madam,

Further to the below email which you should have received this morning, I would like to register my agreement with all the points made below and my concerns around the variation application.

We have been in contact with our landlord and Whiskey Blue since before they opened expressing our concerns around noise and vibrations but have yet to see any movement to reduce the impact these have on our flat. The new premises license specifically mentions 'No noise generated on the premises or by its associated plant or equipment shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to nuisance', our flat sits directly above the stage and seating area of Whiskey Blue and in the building's current condition (lack of sound proofing/vibration control) this is being violated 5 nights a week making it impossible to sleep or relax before 11pm (especially on open mic and live music nights). The idea of karaoke being included in as one of these weekly events baffles me as these are usually confined to rooms with padded walls to suppress the noise as much as possible.

Further to the points made in the below email I would also like to raise concerns about the 'semi-nude' dancing events. Our property shares a fully glass front door with Whiskey Blue which we use to enter the building, I frequently have my 13 year old sister visit, I wouldn't want to have a risk of her being exposed to one of these events. We have been told by our landlord that these doors must remain as clear glass as they are 'outward opening' (We enquired about frosting for our stairwell for privacy from Whiskey Blue customers). How will Whiskey Blue ensure privacy at these events from the public?

Kind regards,

Mitchell Cooke

Flat B, 129 High Street, Southampton

From: Lorna Powell [REDACTED]

Sent: 05 September 2023 09:24

To: Mitchell Cooke [REDACTED]

Subject: Fw: Variation application- Whiskey Blue 129 High street

----- Forwarded message -----

From: Lorna Powell [REDACTED]

To: Licensing <licensing@southampton.gov.uk>

Sent: Tuesday, 5 September 2023 at 09:21:34 BST

Subject: Variation application- Whiskey Blue 129 High street

Dear Sir/Madam,

I am writing regarding the licensing variation application which is currently open for consultation for Whiskey Blue, 129 High street, Southampton, SO14 2BR.

As a resident of the building I have been experiencing issues with the noise and vibrations emanating from Whiskey Blue since they opened last month. I have a noise complaint open with Environmental Health (23/07699/NOIS12) and have had confirmation from my contact Neil Brooks that the noise is at a level where he is contacting to venue to discuss how they can reduce the noise.

I have a few concerns with the proposed new license conditions (I have previously raised concerns/queries with Karen Head around their current license), I will address these below.

1- "Sheet one" of the application details that 'No noise generated on the premises or by its associated plant or equipment shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance'. I query how this can be guaranteed when noise and vibrations from the premises are currently causing a nuisance to residents. Can the requirement to sound proof the building be a condition of the variation being granted?

2- I understand that the current license permits public entertainment until 00:00 and retail of alcohol until 23:00 (confirmed via email by Karen Head), from discussions I have had with Whiskey Blue they believe they are permitted to do these activities until 02:00 due to the current complicated conditions of their license. This means that many of the changes listed as 'reduction of hours' in the variation are in fact an extension, including supply of alcohol, opening hours and recorded music. All of which will certainly be detrimental to residents ability to enjoy their properties and to sleep.

3- The current schedule of live music includes DJs, jazz, modern jazz, and open mic nights- which whilst creating an unbearable level of noise (particularly from clapping, whooping and microphoned voices which carry particularly well through my floor) in our property they are at least performed by actual musicians. I have concerns over part H and K that the addition of karaoke and Hen Parties will add an extra kind of disturbing noise in my home.

4- "Sheet 2" part 3 details sound proofing measures, noise reduction plans, double glazed windows and noise limiters to reduce public nuisance. I would appreciate knowing details of these measures- having been enquiring about sound proofing measures for several months with both Whiskey Blue and the landlord of the building I have been repeatedly told that it is not possible due to the listed status of the building. Similarly, I have enquired about the 'noise limiter' with both Whiskey Blue and my landlord, to ascertain whether I can have input to the level it is set at and how it works, and was never afforded a response. But I also struggle to understand how a noise limiter can limit the live playing of trumpets and other loud instruments.

I have previously invited the bar manager and sound technician of Whiskey Blue up to my flat to hear the noise levels and they both agreed that it was unreasonable and were sympathetic, but I was ultimately told that they have a bar to run and it was out of their control but they would pass the concern on to the business owners. I would like to extend the offer to any of your team that may wish to hear (feel) the noise levels on a night that live music is on (5 nights a week), if it will help my case.

Kind regards,

Lorna Powell

Flat B, 129 High Street, Southampton

From: publicaccess@southampton.gov.uk
To: [Licensing](#)
Subject: Comments for Licensing Application 2023/03137/01SPRV
Date: 12 September 2023 12:56:15

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

Comments were submitted at 12:56 PM on 12 Sep 2023 from Mr Roberto Netti.

Application Summary

Address: 129 High Street Southampton SO14 2BR

Proposal: Premises Licence - Variation

Case Officer: Tricia Young

[Click for further information](#)

Customer Details

Name: Mr Roberto Netti

Email: [REDACTED]

Address: Flat A, 129 High Street, Southampton SO14 2BR

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 12:56 PM on 12 Sep 2023 The vibrations and the noise from Whiskey Blue is causing my flat to be unlivable. This happens almost every evening. I have asked the managers at WB to be understable and limit the noise coming from their events but I end up getting ignored. This goes to show that WB has not been mindful of its neighbours so far, and doesn't seem to be planning on being mindful any time soon. Having said that, the fact that WB has not put any effort to not disturb its neighbours and since I can't enjoy a quiet evening in my own home, I object to this license application.

Thank you,
Roberto Netti.

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.

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