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SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 13 OCTOBER 2021

Present: Councillors G Galton, B Harris and Spicer

26. **ELECTION OF CHAIR**

RESOLVED that Councillor Galton be appointed as Chair for the purposes of this meeting.

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

RESOLVED that the Sub-Committee move into private session in order to receive legal advice when determining issues. Following that private session, at which time the matter would be determined, written confirmation of the decision of the Sub-Committee would be distributed to all parties to the hearing.

28. **APPLICATION FOR VARIATION OF PREMISES LICENCE - ONE OXFORD, 1 OXFORD STREET, SOUTHAMPTON SO14 3DJ**

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

The Sub-Committee considered very carefully the application for a variation of the premises licence at ONE OXFORD, 1 OXFORD STREET, SOUTHAMPTON, SO14 3DJ in the report by the Service Director – Communities, Culture and Homes in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) and the rules of natural justice.

The Sub-Committee made its decision on the basis of all of the evidence submitted, both in writing and given orally at the Hearing, with due regard to the licensing objectives, statutory guidance, and the Council's adopted Statement of Licensing Policy.

Additionally, the Human Rights Act 1998, the Crime and Disorder Act 1998 and the Equality Act 2010 were borne in mind whilst making the decision.

The Sub-Committee noted that none of the Responsible Authorities attended the Hearing, but that conditions had been agreed with the applicant, to be added to the licence, should the variation be granted.

The Sub-Committee heard from the applicant and three local residents making representations objecting to the application. Five representations in total were received. Those received in writing alone were also fully taken into consideration.

In light of all the above, the Sub-Committee:

RESOLVED to grant the application for a variation to the premises Licence subject to the agreed conditions.

Reasons

Legislation provides for a presumption of the granting of a 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.

Conditions were set by Environmental Health and agreed by the applicant. The conditions set out by Environmental Health in the report addressed the issues raised by the local residents objecting to the variation in licensable activity. A pavement licence for street furniture would be also be required.

Whilst the Sub-Committee noted the concerns of the residents, it was satisfied that there were no complaints regarding the operation of the business to either Licensing or the Responsible Authorities during the period of the business commencing operation and the application for a variation of the licence.

The Sub-Committee noted that a pavement licence would be required for licensable activity to be extended to the outside pavement area.

The Sub-Committee noted the Applicant's representation that Off sales licensable activity was predominantly for the sale of alcohol via telephone and website sales to existing customers.

There is a general right to review a premises licence, which can be brought by residents or responsible authorities. In the event that the premises causes issues of concern the licence, in its entirety, can be considered at that stage where there is evidence support it.

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