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SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 19 JANUARY 2022

Present: Councillors G Galton, B Harris and Spicer

36. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meetings held on 4 November 2021, be approved and signed as a correct record.

38. **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 will be distributed to all parties to the hearing.

39. **APPLICATION FOR GRANT OF A PREMISES LICENSE - MEVLANA TURKISH KITCHEN 9A - 10A SHIRLEY HIGH STREET SOUTHAMPTON SO15 3LR**

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.

Due regard was given to the provisions of the Licensing Act 2003, including the statutory licensing objectives, the statutory guidance and the City Council's adopted statement of licensing policy.

The Crime and Disorder Act 1998 Section 17, The Human Rights Act 1998, and the Equality Act 2010 have been borne in mind by the Sub-Committee whilst making their decision.

The Sub-Committee considered very carefully the report of the Service Director – Communities, Culture and Homes and the representation received in writing prior to the hearing. The Sub-Committee considered the verbal representations made to it at the hearing.

The Sub-Committee duly noted that no representations had been received from the Responsible Authorities. In light of all of the above, the Sub-Committee:

RESOLVED to grant the premises licence subject to reduced hours for recorded music as follows:

Sunday to Wednesday	10:00am – 11:00pm
Thursday to Saturday	10:00am – 12:00am

Reasons

The Sub-Committee was mindful that the legislation specifically restricts the grounds on which it might refuse an application for grant of a premises licence or impose conditions. The legislation provides for a presumption of grant of an application for 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 gave 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

The Sub-Committee considered the representation received by one local business and noted that the objections were potential public nuisance and public safety issues but that there was no evidence of a real risk of a breach of the licensing objectives. Further, it noted that none of the appropriate Responsible Authorities had submitted a representation or imposed conditions on the license.

The Sub-Committee was satisfied that there would be a minimum of two members of staff on site at all times. The Applicant also clarified that they would not be serving or selling alcohol and that customers would not be permitted to bring alcohol on site.

The Sub-Committee deliberated on the position of the Applicant's business, being situated in a built up residential area, and that licensable activity should cease at a suitable time, in keeping with other similar businesses in the area.

The Sub-Committee noted that the Applicant expected most of the late night sales to be from deliveries and take away sales with reduced numbers in the restaurant later in the evening.

The Sub-Committee noted the Applicant's offer to stop recorded music by 11pm but felt that 12am was appropriate, in keeping with other businesses in the area. The Sub-Committee was encouraged by the Applicant's keenness to remain in dialogue with residents surrounding the site should any issues concerning the license arise.

Members of the public should be assured that where a licence is granted, an application for a review of that licence can be made where there is evidence that the objectives are not being met.

There is a right of appeal for any party to the Magistrates' Court. All parties will receive written notification of the decision with reasons, which will set out that right in full.