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SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 6 APRIL 2022

Present: Councillors G Galton, Laurent and J Payne

40. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meetings held on: 12 January 2022 and 19 January 2022, be approved and signed as a correct record.

42. **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. The parties to the hearing, press and the public, unless otherwise excluded by the Licensing Act 2003 (Hearings) Regulations 2005, would be invited to return immediately following that private session at which time the matter would be determined and the decision of the Sub-Committee announced.

43. **APPLICATION FOR A VARIATION OF A PREMISES LICENCE - SZECHUEN KITCHEN, 137A HIGH STREET, SOUTHAMPTON SO14 2BS**

In considering this application the Sub-Committee was 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.

Due regard was given to 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 had each been borne in mind by the Sub-Committee whilst making its decision.

The Sub-Committee has considered very carefully the report of the Service Director—Communities, Culture and Homes. The application had received one representation from Planning and no public representations.

The Sub-Committee noted the conditions, as set out by Hampshire Constabulary, and agreed by the Applicant, to be attached to the licence should the variation of the licence be granted. The Sub-Committee considered all verbal representations at the hearing including two witnesses who spoke in favour of the application.

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

RESOLVED to grant the variation to the premises licence as per the application.

REASONS

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

The Sub-Committee was satisfied that the Applicant clarified that alcohol sales would be ancillary to food sales from the restaurant and that customers would not be permitted to take alcohol off site.

The Sub-Committee queried the position of the Applicant's business being situated directly beneath a residential dwelling but was assured that no one lived in the dwelling.

The Sub-Committee was content that restaurant was already operating to midnight without complaint. The Sub-Committee considered carefully the views of the Planning Officer and the issues raised in relation to the potential for noise and public nuisance in the area. The Sub-Committee received legal advice confirming that it needed to be satisfied that there was a causal link between noise and nuisance and the application for variation before it.

The Sub-Committee was content with the training to be offered to staff.

An application for variation of a premises licence whose application had been refused, or who was 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.

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

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