

**LICENSING (LICENSING AND GAMBLING) SUB – COMMITTEE
DECISION OF THE MEETING HELD 20 JULY 2023**

**APPLICATION FOR GRANT OF A PREMISES LICENCE
CHILLI FLAMES 7 BEDFORD PLACE SOUTHAMPTON SO15 2DB**

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

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

The Sub-Committee has considered very carefully the application as submitted. Representations by all the parties present at the hearing as well as written representations were also fully taken into consideration.

It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy. The Human Rights Act 1998, The Equality Act 2010 and The Crime and Disorder Act 1998 Section 17 have been considered whilst making the decision.

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

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

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

Reasons:

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

The Sub-Committee has listened to the concerns of the local residents but those concerns largely related to speculation as to what might happen at the premises.

The Sub-Committee received legal advice that speculation as to what may happen cannot be considered.

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

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

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

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