

LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE

DECISION OF THE MEETING HELD 5 MARCH 2024

APPLICATION FOR GRANT OF A PREMISES LICENCE

BASEMENT 35-36 OXFORD STREET SOUTHAMPTON SO14 3DS

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.

The Sub-Committee has considered very carefully the application for grant of a premises licence for Basement, 35-36 Oxford Street, Southampton as submitted.

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.

The Sub-Committee made its decision on the basis of all of the evidence submitted, both in writing and given orally at the Hearing.

The Sub-Committee heard evidence from the applicant, and the objector Mr Beavan both orally at the hearing and in written representations.

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 application be granted.

Having considered all of the above the Sub-Committee agreed to grant the licence in accordance with the application but subject to the following conditions

- The hours of operation shall be between 12:00 to 00:00 from Monday to Sunday
- The conditions agreed with the Responsible Authorities shall be added to the standard conditions.

Reasons:

The Sub-Committee has listened to the concerns of the local resident which related to public nuisance, anti-social behaviour, security and road safety. However, as this is a new application the concerns amount to speculation as to what might happen at the premises.

Advice was also given that the legislation had a presumption of grant subject to the determination of the application with a view to promoting the licensing objectives in the overall interests of the local community but as Oxford Street is within a Stress Area designated by Section 6 of the Statement of Licensing Policy, the onus is on the Applicant to prove that the granting of the application will not adversely impact any of the Licensing Objectives and will not increase the impact in the area. The

conditions agreed with the responsible authorities do meet concerns that do not amount to speculation. The sub-committee noted that the responsible authorities are regarded as experts in their respective fields.

The amendment to the operating hours are imposed to minimise the impact of patrons leaving the establishment past midnight, and ensure that noise is kept to a certain time.

The Sub-Committee were concerned by what appeared to be a lack of a plan from the Applicant in terms of what he intended to use the premises for. The Applicant appeared to suggest that he wanted it to be run as a member's club, however he also stated that he would be renting the premises out and made clear that it may not be used as such, and that it could be used for another purpose. The lack of a clear plan for the premises was a concern, however limiting the hours is considered to mitigate any potential impact on the Stress Area.

Due to the premises being a basement, the sub-committee draws specific attention to the condition from Hampshire and Isle of Wight Fire and Rescue which states *"The license will not take effect until written permission has been given by Hampshire & IOW Fire and Rescue Service (The Fire and Rescue Authority) that the premises is able to be safely occupied to our satisfaction."*

Members of the public should be assured that there is a general right to review a premises licence which can be brought by residents or responsible authorities, where there is evidence that the objectives are not being met. In the event that the premises causes issues of concern the licence, in its entirety, can be considered at that stage where the evidence supports it.

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.