
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 12 JULY 2017

Present: Councillors Mrs Blatchford, Painton and Parnell

Apologies: Councillors

5. **ELECTION OF CHAIR**

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

6. **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the parties to the hearing, press and public be excluded at a predetermined point whilst the Sub-Committee reaches its decision.

7. **APPLICATION FOR A NEW PREMISES LICENCE - BAFFI PIZZA, 267 - 271 PORTSWOOD ROAD, SOUTHAMPTON, SO17 2LA**

The Sub-Committee considered the application for the grant of a premises licence in respect of Baffi Pizza, 267-271 Portswood Road, Southampton SO17 2LA.

Mr T Ellis (Applicant), Mr N Ellis (Applicants Agent) and Dr R Buckle (Local Resident) and Mrs J Jameson (Local Resident) were present and with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with the Licensing Act (Hearings) Regulations 2005.

RESOLVED that the application for a premises licence be granted.

After private deliberation the Sub-Committee reconvened and the Chair read out the following decision:-

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

The Sub-Committee has considered very carefully the application for a premises licence for Baffi Pizza, 267-271 Portswood Road, Southampton SO17 2LA.

It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy.

The Sub-Committee considered the representations, both written and given orally today, by all parties. Human rights legislation has been borne in mind whilst making the decision.

It was noted that representations had been received from a number of residents. The applicant had agreed conditions with the police prior to the hearing as set out within the report (and relating to CCTV, staff training, proof of age, refusals and age policy).

Having considered all the above evidence and after having heard from those present, the Sub-Committee has determined to grant the Premises Licence.

Reasons

The Sub-Committee heard evidence from residents raising concern including (but not limited to) the following points:

- That a further premises licence would lead to concentration of premises
- That there is a danger of creating a “drinking corridor”
- That the parking of goods vehicles would cause nuisance
- That the hours sought are excessive
- That the impact would be unacceptable for an adjoining elderly home.

The Sub-Committee considered all of these points particularly carefully but accepted legal advice given during the hearing that the Sub-Committee is restricted to considering only those issues that relate to one or more of the licensing objectives. As a result the Sub-Committee could not consider matters relating to planning issues, parking, the commercial demand for licensed premises etc.

The Sub-Committee heard that detailed conditions had been agreed with the Police and that as a result the Police had indicated that a hearing was not necessary. In addition the Sub-Committee heard that the applicants are experienced operators in the catering field, fully aware of the licensing objectives. The proposed premises is a restaurant rather than a bar with service at seated tables. There is to be limited offer of alcohol and there shall be no drinks promotions, only promotions in relation to food. Staff are to be trained and the business provides a staff handbook. A general clientele is expected and the record of other venues shows that no calls have been made in relation to disorder and that there has been no complaint for breaches of licences in force. The applicant also confirmed that no off sales are to be made at the premises. It was also made clear by the applicant that the premises would be air conditioned with windows and doors being closed other than for access and egress. The application included no provision for recorded or live music and the intention is that recorded music shall be wholly incidental to the provision of food at the premises.

The Sub-Committee could not ignore the fact that without a premises licence for the sale of alcohol the general operation of the business in serving food (for the hours sought) is not licensable. Accordingly the Sub-Committee had to focus its mind upon the impact caused by the sale of alcohol at the premises. In light of the nature of the business described it was determined that the risk to the licensing objectives was low and that as a result it would not be appropriate to restrict the licensable activity sought at this time.

Residents can be reassured that there is a power to instigate a review in the event that the licensable activities at the premises do lead to issues undermining the licensing objectives.

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.