

# Licensing (Licensing and Gambling) Sub-Committee

Wednesday, 17th October, 2018  
at 6.00 pm

**PLEASE NOTE TIME OF MEETING**

Conference Room 3 - Civic  
Centre

This meeting is open to the public

## **Members**

Three Members drawn from the Licensing  
Committee

## **Contacts**

Democratic Support Officer  
Emily Goodwin  
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Service Director - Transactions & Universal  
Services

Mitch Sanders  
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## **PUBLIC INFORMATION**

The Members of the Licensing Committee are Councillors J Baillie, Blatchford, Bogle, Furnell, B Harris, Leggett, McEwing, Parnell, Streets and T Thomas

### **Terms of Reference**

The Sub-Committee deals with licences for which the Council is responsible under the Licensing Act 2003 and Gambling Act 2005, including:-

- Determination of applications for review of premises licences and club premises certificates;
- Determination of representations to applications for premises licences and club premises certificates, variations and various permits;
- Determination of police objections to applications for:
  - Variation of designated premises supervisors
  - Transfer of premises licences
  - Personal licences for the sale of alcohol
- Determination of objections to temporary event notices.

### **Relevant Representations**

Those who have made relevant representations may address the meeting about the matter in which they have an interest. New matters, not raised within a written representation, can not be relied upon at the hearing.

**When dealing with Licensing Act matters the Sub-Committee must only take into account the following statutory Licensing Objectives:-**

- prevention of crime and disorder
- public safety
- prevention of public nuisance
- protection of children from harm

**Likewise, when dealing with Gambling Act matters the Sub Committee must only take into account the statutory Licensing Objectives below:-**

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Southampton City Council Strategy (2016-2020) is a key document and sets out the four key outcomes that make up our vision.

- Southampton has strong and sustainable economic growth
- Children and young people get a good start in life
- People in Southampton live safe, healthy, independent lives
- Southampton is an attractive modern City, where people are proud to live and work

**Fire Procedure:-** In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

**Access:-** Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

**Smoking policy:-** The Council operates a no-smoking policy in all civic buildings.

**Mobile Telephones:-** Please switch your mobile telephones to silent whilst in the meeting

**Use of Social Media:-** The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

### **Dates of Potential Meetings Municipal Year 2018/19**

Meetings are scheduled on a weekly basis usually at 6pm on a Wednesday evening.

## CONDUCT OF MEETING

### **Terms of Reference**

The terms of reference are contained in the Council's Constitution.

### **Business to be discussed**

Only those items listed on the attached agenda may be considered at this meeting.

### **Rules of Procedure**

The meeting is governed by the Licensing Act 2003 (Hearings) Regulations 2005 and the Council Procedure Rules as set out in Part 4 of the Constitution, so far as it is applicable.

### **Quorum 3**

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

## **DISCLOSURE OF INTERESTS**

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

### **DISCLOSABLE PECUNIARY INTERESTS**

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

(i) Any employment, office, trade, profession or vocation carried on for profit or gain.

(ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

## **Other Interests**

A Member must regard himself or herself as having an 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

## **Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

## AGENDA

### 1 **ELECTION OF CHAIR**

To appoint a Chair for the purposes of this meeting.

### 2 **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

To note any changes in the membership of the Sub-Committee made in accordance with the Licensing Act 2003.

### 3 **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

### 4 **STATEMENT FROM THE CHAIR**

### 5 **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

At a predetermined point during the consideration of all items the Sub-Committee may 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, will be invited to return immediately following that private session at which time the matter will be determined and the decision of the Sub-Committee will be announced.

### 6 **APPLICATION FOR A NEW PREMISES LICENCE - NOOK BAR AND KITCHEN, GROUND FLOOR, HAVELOCK CHAMBERS, 20 - 22 QUEENS TERRACE, SOUTHAMPTON, SO14 3BQ** (Pages 1 - 34)

Application for a new premises licence - Nook Bar and Kitchen, Ground Floor, Havelock Chambers, 20 - 22 Queens Terrace, Southampton, SO14 3BQ

Tuesday, 9 October 2018

Service Director - Transactions and Universal  
Services

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# Agenda Item 6

**DECISION-MAKER**

**LICENSING (LICENSING & GAMBLING) SUB COMMITTEE**

**SUBJECT**

HEARING TO CONSIDER AN APPLICATION FOR GRANT OF A PREMISES LICENCE -

Nook Bar and Kitchen, Ground Floor Havelock Chambers, 20 - 22 Queens Terrace, Southampton, SO14 3BQ

**DATE OF HEARING REPORT OF**

**17<sup>th</sup> October 2018 at 18:00**

SERVICE DIRECTOR – TRANSACTIONS & UNIVERSAL SERVICES

**E-mail**

**licensing@southampton.gov.uk**

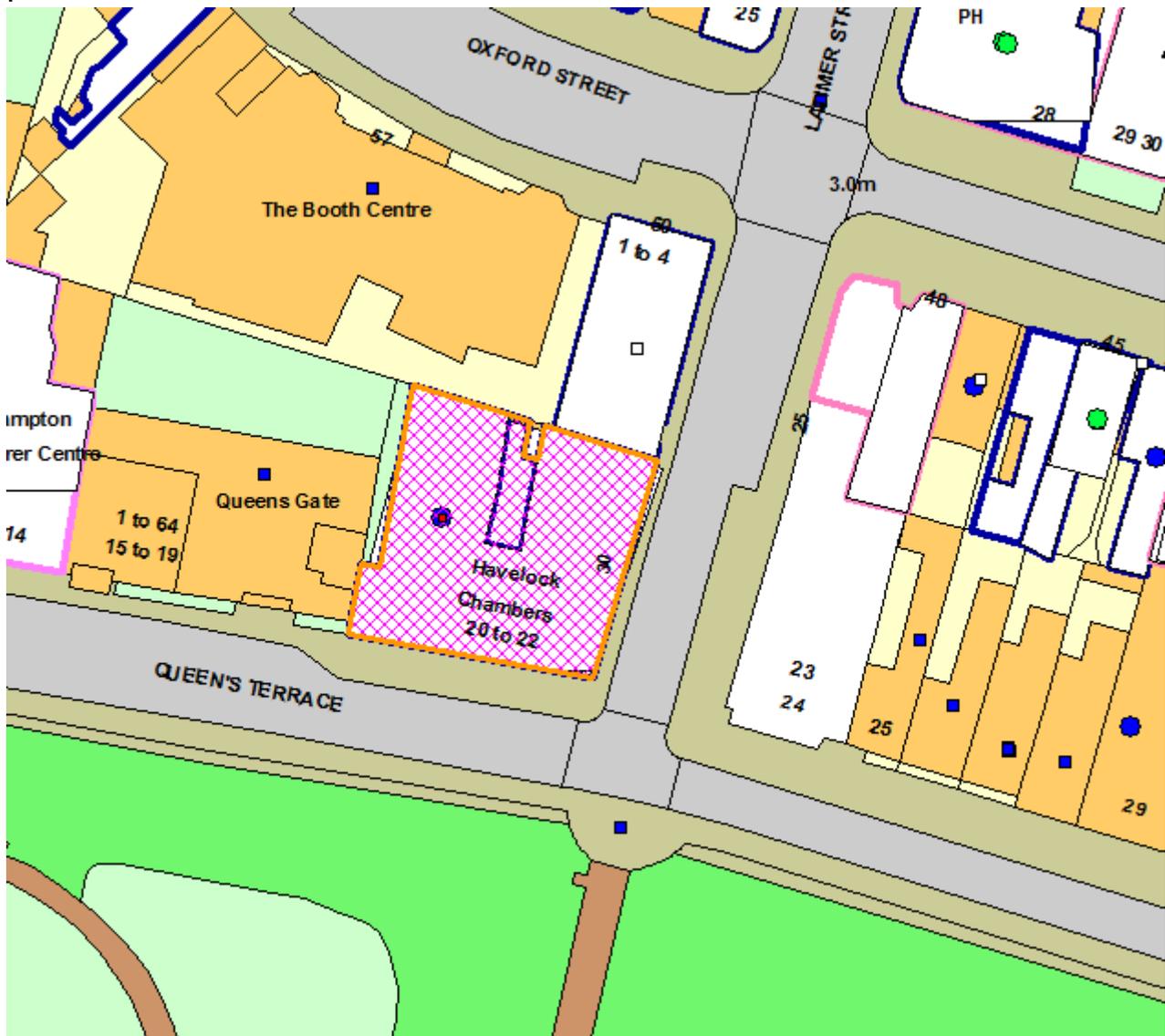
Application Date : 22nd August 2018

Application Received 22nd August 2018

Application Valid 23rd August 2018

Reference :

**2018/03271/01SPRN**



## ***Representations from Responsible Authorities***

| <b>Responsible Authority</b>     |  | <b>Satisfactory?</b>    |
|----------------------------------|--|-------------------------|
| Safeguarding Children            |  | Yes                     |
| Fire Service                     |  | Yes                     |
| Environmental Health - Licensing |  | No Response             |
| Home Office                      |  | No Response             |
| Building Control                 |  | No Response             |
| Public Health Manager            |  | No Response             |
| Police - Licensing               |  | Yes                     |
| Trading Standards                |  | No Response             |
| <b>Name</b>                      | <b>Address</b>   | <b>Contributor Type</b> |
| Dr. Paul Doherty                 | Flat 9<br>Havelock Chambers<br>20 - 22 Queens Terrace<br>Southampton<br>SO14 3BQ | <b>Resident</b>         |

### **Legal Implications**

1. The legislation specifically restricts the grounds on which the sub-committee may 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 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
2. An application may be refused in part and thereby only permit some of the licensable activities sought.
3. An applicant for grant of a premises licence whose application has been refused, or who is 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.
4. In considering this application the sub-committee will sit in an administrative capacity and is thus 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. The practical effect of this is that the sub-committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

5. Only persons that made relevant representations or their representative, within the time limits, will be allowed to present evidence and this will be restricted to the points raised in their written representation. Any evidence used to expand upon specific points already raised in a written representation should be served upon all parties in good time before the hearing date in order to allow proper consideration. A failure to properly serve any such additional evidence in advance is likely to mean it cannot be produced or relied upon at the hearing.
6. The sub-committee must also have regard to:
  - *The Crime and Disorder Act 1998*  
Section 17 of the Crime and Disorder Act 1998 places the sub-committee under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
  - *The Human Rights Act 1998*  
The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the sub-committee to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the sub-committee that could have an effect upon another person's Human Rights must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the sub-committee which affect another's rights must be no more onerous than is necessary in a democratic society. The matters set out in this report must be considered in light of the above obligations.

Copies of the application for grant of a premises licence and the representations to it are annexed to this report.

## ***Summary of application***

|                                  |                                |
|----------------------------------|--------------------------------|
| <b>Applicant</b>                 | <b><i>Boozy Berry Ltd.</i></b> |
| <b>Agent for licence Holder:</b> | <b>Mr. Scott Mclean</b>        |
| <b>Proposed DPS</b>              | <b>Mr. Scott Mclean</b>        |

This is an application for an American style bar/restaurant. On occasions there will be live entertainment at the venue. There will be a pool table and the premises is tailored to families.

The police commented on this application and a copy of this is included in the report.

*Application form and plan – Pages 5 -25*

*Other Parties representation - Pages 26 - 28*

*(includes three video clips which will be shown at the hearing)*

*Police comment - Page 29*

*Hearing Procedure - Pages 31 - 34*

# SOUTHAMPTON AND EASTLEIGH LICENSING PARTNERSHIP

## Application for a premises licence to be granted under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**I/We** Boozy Berry Ltd T/A Nook Bar and Kitchen

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

#### Part 1 – Premises details

|   |             |                 |                 |
|---|-------------|-----------------|-----------------|
| Postal address of premises or, if none, ordnance survey map reference or description<br><b>Nook Bar and Kitchen,<br/>20 - 22 Havelock Chambers,<br/>Queen's Terrace</b> |             |                 |                 |
| <b>Post town</b>  | Southampton | <b>Postcode</b> | <b>SO14 3BQ</b> |

|   |               |
|---|---------------|
| Telephone number at premises (if any)   |               |
| Non-domestic rateable value of premises | <b>£42500</b> |

#### Part 2 - Applicant details

Please state whether you are applying for a premises licence as appropriate

Please tick as

- |   |  |  |
|---|--|--|
| <p>a) an individual or individuals *</p> <p>b) a person other than an individual *</p> <p style="padding-left: 20px;">i as a limited company/limited liability partnership</p> <p style="padding-left: 20px;">ii as a partnership (other than limited liability)</p> <p style="padding-left: 20px;">iii as an unincorporated association or</p> <p style="padding-left: 20px;">iv other (for example a statutory corporation)</p> <p>c) a recognised club</p> <p>d) a charity</p> | <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> | <p>please complete section (A)</p> <p>please complete section (B)</p> |
|---|--|--|

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - statutory function or
  - a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

|   |                              |  |                             |                                |  |
|---|------------------------------|--|-----------------------------|--------------------------------|--|
| Mr <input type="checkbox"/>   | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/>                      | Ms <input type="checkbox"/> | Other Title (for example, Rev) |  |
| <b>Surname</b>  |                              |  | <b>First names</b>          |                                |  |
| <b>Date of birth</b>  |                              | I am 18 years old or over <input type="checkbox"/> |                             | Please tick yes                |  |
| <b>Nationality</b>  |                              |  |                             |                                |  |
| <b>Current residential address if different from premises address</b> |                              |  |                             |                                |  |
| <b>Post town</b>  |                              |  |                             | <b>Postcode</b>                |  |
| <b>Daytime contact telephone number</b>                               |                              |  |                             |                                |  |
| <b>E-mail address (optional)</b>                                      |                              |  |                             |                                |  |

**SECOND INDIVIDUAL APPLICANT (if applicable)**

|   |                              |  |                             |                                |  |
|---|------------------------------|--|-----------------------------|--------------------------------|--|
| Mr <input type="checkbox"/>                               | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/>                      | Ms <input type="checkbox"/> | Other Title (for example, Rev) |  |
| Surname   |                              |  | First names                 |                                |  |
| Date of birth   |                              | I am 18 years old or over <input type="checkbox"/> |                             | Please tick yes                |  |
| Nationality   |                              |  |                             |                                |  |
| Current postal address if different from premises address |                              |  |                             |                                |  |
| Post town   |                              |  |                             | Postcode                       |  |
| Daytime contact telephone number                          |                              |  |                             |                                |  |
| E-mail address (optional)                                 |                              |  |                             |                                |  |

**(B) OTHER APPLICANTS**

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

|  |
|--|
| Name<br>Boozy Berry Ltd T/A Nook Bar and Kitchen   |
| Address<br>20 - 22 Havelock Chambers<br>Queen's Terrace<br>Southampton<br>SO14 3BQ                               |
| Registered number (where applicable)<br>11150287   |
| Description of applicant (for example, partnership, company, unincorporated association etc.)<br>Limited Company |
| Telephone number (if any)<br>[REDACTED]  |
| E-mail address (optional)<br>[REDACTED]@live.com   |

**Part 3 Operating Schedule**

When do you want the premises licence to start?

|    |    |             |
|----|----|-------------|
| DD | MM | YYYY        |
| 3  | 0  | 0 8 2 0 1 8 |

If you wish the licence to be valid only for a limited period, when do you want it to end?

|    |    |      |
|----|----|------|
| DD | MM | YYYY |
|    |    |      |

Please give a general description of the premises (please read guidance note 1)  
 The venue is situated just off of oxford street and is to be an american style Bar / Restaurant. As shown on the plans there is a raised area that will be used for either live entertainment (on occasion) and / or a pool table / seating. The theme is family orientated.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

| Plays<br>Standard days and timings (please read guidance note 7) |       |        | Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)  | Indoors  | <input type="checkbox"/> |
|--|-------|--------|--|----------|--------------------------|
| Day  | Start | Finish |  | Outdoors | <input type="checkbox"/> |
| Mon  |       |        | <b>Please give further details here</b> (please read guidance note 4)  | Both     | <input type="checkbox"/> |
| Tue  |       |        |  |          |                          |
| Wed  |       |        | <b>State any seasonal variations for performing plays</b> (please read guidance note 5)  |          |                          |
| Thur   |       |        |  |          |                          |
| Fri  |       |        | <b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 6) |          |                          |
| Sat  |       |        |  |          |                          |
| Sun  |       |        |  |          |                          |

**B**

|   |              |               |   |   |
|---|--------------|---------------|---|---|
| <b>Films</b><br>Standard days and timings (please read guidance note 7) |              |               | <b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)  | Indoors <input checked="" type="checkbox"/> |
|   |              |               |   | Outdoors <input type="checkbox"/>           |
|   |              |               |   | Both <input type="checkbox"/>               |
| <b>Day</b>  | <b>Start</b> | <b>Finish</b> | <b>Please give further details here</b> (please read guidance note 4)<br>Films maybe displayed on screens through the premises when trading   |   |
| Mon   | 0800         | 2330          |   |   |
| Tue   | 0800         | 2330          | <b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)  |   |
| Wed   | 0800         | 2330          |   |   |
| Thur  | 0800         | 2330          |   |   |
| Fri   | 0800         | 2330          | <b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6) |   |
| Sat   | 0800         | 2330          |   |   |
| Sun   | 0800         | 2330          |   |   |
|   |              |               |   |   |

**C**

|  |       |        |   |
|--|-------|--------|---|
| <b>Indoor sporting events</b><br>Standard days and timings (please read guidance note 7) |       |        | <b><u>Please give further details</u></b> (please read guidance note 4)   |
| Day  | Start | Finish |   |
| Mon  |       |        | <b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)  |
| Tue  |       |        |   |
| Wed  |       |        |   |
| Thur   |       |        | <b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6) |
| Fri  |       |        |   |
| Sat  |       |        |   |
| Sun  |       |        |   |

**D**

|  |       |        |   |          |                          |
|--|-------|--------|---|----------|--------------------------|
| <b>Boxing or wrestling entertainments</b><br>Standard days and timings (please read guidance note 7) |       |        | <b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)  | Indoors  | <input type="checkbox"/> |
|  |       |        |   | Outdoors | <input type="checkbox"/> |
|  |       |        |   | Both     | <input type="checkbox"/> |
|  |       |        |   |          |                          |
| Day  | Start | Finish | <b>Please give further details here</b> (please read guidance note 4)   |          |                          |
| Mon  |       |        |   |          |                          |
|  |       |        |   |          |                          |
| Tue  |       |        |   |          |                          |
|  |       |        |   |          |                          |
| Wed  |       |        | <b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)  |          |                          |
| Thur   |       |        |   |          |                          |
|  |       |        |   |          |                          |
| Fri  |       |        | <b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6) |          |                          |
| Sat  |       |        |   |          |                          |
|  |       |        |   |          |                          |
| Sun  |       |        |   |          |                          |
|  |       |        |   |          |                          |

**E**

|  |              |               |   |          |                                     |
|--|--------------|---------------|---|----------|-------------------------------------|
| <b>Live music</b><br>Standard days and timings (please read guidance note 7) |              |               | <b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b><br>(please read guidance note 3)  | Indoors  | <input checked="" type="checkbox"/> |
|  |              |               |   | Outdoors | <input type="checkbox"/>            |
|  |              |               |   | Both     | <input type="checkbox"/>            |
| <b>Day</b>   | <b>Start</b> | <b>Finish</b> | <b><u>Please give further details here</u></b> (please read guidance note 4)<br>Music may be performed live either acoustically or amplified to suitable levels agreed between management and artists. This can be adjusted throughout the performance. The levels can be monitored via a decible meter that will be recorded outside the premises at intervals. After 2200 all doors and windows will be left closed<br><br><b><u>State any seasonal variations for the performance of live music</u></b><br>(please read guidance note 5)<br><br><b><u>Non standard timlngs. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6) |          |                                     |
| Mon  | 1000         | 2330          |   |          |                                     |
| Tue  | 1000         | 2330          |   |          |                                     |
| Wed  | 1000         | 2330          |   |          |                                     |
| Thur   | 1000         | 2330          |   |          |                                     |
| Fri  | 1000         | 2330          |   |          |                                     |
| Sat  | 1000         | 2330          |   |          |                                     |
| Sun  | 1000         | 2330          |   |          |                                     |

F

|  |              |               |   |          |                                     |
|--|--------------|---------------|---|----------|-------------------------------------|
| <b>Recorded music</b><br>Standard days and timings (please read guidance note 7) |              |               | <b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b><br>(please read guidance note 3)   | Indoors  | <input checked="" type="checkbox"/> |
|  |              |               |   | Outdoors | <input type="checkbox"/>            |
|  |              |               |   | Both     | <input type="checkbox"/>            |
| <b>Day</b>   | <b>Start</b> | <b>Finish</b> | <b>Please give further details here</b> (please read guidance note 4)<br>Recorded music may be performed suitable levels. The levels can be monitored via a decible meter that will be recorded outside the premises at intervals. After 2200 all doors and windows will be left closed<br><br><b>State any seasonal variations for the playing of recorded music</b><br>(please read guidance note 5)<br><br><b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6) |          |                                     |
| Mon  | 0800         | 2330          |   |          |                                     |
| Tue  | 0800         | 2330          |   |          |                                     |
| Wed  | 0800         | 2330          |   |          |                                     |
| Thur   | 0800         | 2330          |   |          |                                     |
| Fri  | 0800         | 2330          |   |          |                                     |
| Sat  | 0800         | 2330          |   |          |                                     |
| Sun  | 0800         | 2330          |   |          |                                     |

**G**

|   |              |               |   |          |                                     |
|---|--------------|---------------|---|----------|-------------------------------------|
| <b>Performances of dance</b><br>Standard days and timings (please read guidance note 7) |              |               | <b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b><br>(please read guidance note 3)   | Indoors  | <input checked="" type="checkbox"/> |
|   |              |               |   | Outdoors | <input type="checkbox"/>            |
|   |              |               |   | Both     | <input type="checkbox"/>            |
| <b>Day</b>  | <b>Start</b> | <b>Finish</b> | <b><u>Please give further details here</u></b> (please read guidance note 4)<br>On occasion we may put on a show. The levels can be monitored via a decible meter that will be recorded outside the premises at intervals. After 2200 all doors and windows will be left closed |          |                                     |
| Mon   | 1100         | 2330          |   |          |                                     |
| Tue   | 1100         | 2330          | <b><u>State any seasonal variations for the performance of dance</u></b><br>(please read guidance note 5)   |          |                                     |
| Wed   | 1100         | 2330          |   |          |                                     |
| Thur  | 1100         | 2330          | <b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)   |          |                                     |
| Fri   | 1100         | 2330          |   |          |                                     |
| Sat   | 1100         | 2330          |   |          |                                     |
| Sun   | 1100         | 2330          |   |          |                                     |

H

|  |       |        |   |          |                          |
|--|-------|--------|---|----------|--------------------------|
| <b>Anything of a similar description to that falling within (e), (f) or (g)</b><br>Standard days and timings (please read guidance note 7) |       |        | Please give a description of the type of entertainment you will be providing  |          |                          |
| Day  | Start | Finish | <b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)   | Indoors  | <input type="checkbox"/> |
| Mon  |       |        |   | Outdoors | <input type="checkbox"/> |
|  |       |        |   | Both     | <input type="checkbox"/> |
| Tue  |       |        | <b>Please give further details here</b> (please read guidance note 4)   |          |                          |
| Wed  |       |        |   |          |                          |
|  |       |        |   |          |                          |
| Thur   |       |        | <b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)  |          |                          |
| Fri  |       |        |   |          |                          |
|  |       |        |   |          |                          |
| Sat  |       |        | <b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 6) |          |                          |
| Sun  |       |        |   |          |                          |
|  |       |        |   |          |                          |

|  |              |               |   |          |                                     |
|--|--------------|---------------|---|----------|-------------------------------------|
| <b>Late night refreshment</b><br>Standard days and timings (please read guidance note 7) |              |               | <b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)  | Indoors  | <input checked="" type="checkbox"/> |
|  |              |               |   | Outdoors | <input type="checkbox"/>            |
|  |              |               |   | Both     | <input type="checkbox"/>            |
| <b>Day</b>   | <b>Start</b> | <b>Finish</b> | <b><u>Please give further details here</u></b> (please read guidance note 4)  |          |                                     |
| Mon  | 2300         | 2330          |   |          |                                     |
|  |              |               |   |          |                                     |
| Tue  | 2300         | 2330          |   |          |                                     |
|  |              |               | <b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)   |          |                                     |
| Wed  | 2300         | 2330          |   |          |                                     |
|  |              |               |   |          |                                     |
| Thur   | 2300         | 2330          |   |          |                                     |
|  |              |               | <b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6) |          |                                     |
| Fri  | 2300         | 2330          |   |          |                                     |
|  |              |               |   |          |                                     |
| Sat  | 2300         | 2330          |   |          |                                     |
|  |              |               |   |          |                                     |
| Sun  | 2300         | 2330          |   |          |                                     |
|  |              |               |   |          |                                     |

J

|   |              |               |   |                  |                                     |
|---|--------------|---------------|---|------------------|-------------------------------------|
| <b>Supply of alcohol</b><br>Standard days and timings (please read guidance note 7) |              |               | <b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)  | On the premises  | <input checked="" type="checkbox"/> |
|   |              |               |   | Off the premises | <input type="checkbox"/>            |
|   |              |               |   | Both             | <input type="checkbox"/>            |
| <b>Day</b>  | <b>Start</b> | <b>Finish</b> | <b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)  |                  |                                     |
| Mon   | 1000         | 2330          |   |                  |                                     |
| Tue   | 1000         | 2330          |   |                  |                                     |
| Wed   | 1000         | 2330          |   |                  |                                     |
| Thur  | 1000         | 2330          |   |                  |                                     |
| Fri   | 1000         | 2330          |   |                  |                                     |
| Sat   | 1000         | 2330          |   |                  |                                     |
| Sun   | 1000         | 2330          |   |                  |                                     |
|   |              |               | <b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6) |                  |                                     |

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

|  |            |
|--|------------|
| <b>Name</b><br>Scott Mclean  |            |
| <b>Date of birth</b> [REDACTED]  |            |
| <b>Address</b><br>[REDACTED]   |            |
| <b>Postcode</b>  | [REDACTED] |
| <b>Personal licence number (if known)</b><br>2005/00329/06/EPC             |            |
| <b>Issuing licensing authority (if known)</b><br>Eastleigh Borough Council |            |

**K**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).**

**L**

| <b>Hours premises are open to the public</b><br>Standard days and timings (please read guidance note 7) |       |        | <b>State any seasonal variations</b> (please read guidance note 5)  |
|---|-------|--------|---|
| Day   | Start | Finish |   |
| Mon   | 0800  | 0000   | <b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6) |
|   |       |        |   |
| Tue   | 0800  | 0000   |   |
|   |       |        |   |
| Wed   | 0800  | 0000   |   |
|   |       |        |   |
| Thur  | 0800  | 0000   |   |
|   |       |        |   |
| Fri   | 0800  | 0000   |   |
|   |       |        |   |
| Sat   | 0800  | 0000   |   |
|   |       |        |   |
| Sun   | 0800  | 0000   |   |
|   |       |        |   |

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

This will be promoted via trained staff and management. Before commencing their duties all new staff will receive information and training concerning the sale of age-restricted products. This training will cover their legal responsibilities and action to be taken in the event of suspicions being aroused that someone is purchasing or attempting to purchase an item under the legal age. All employees will sign a letter to acknowledge that they have completed this training and have understood their responsibilities on this area. This training should be reviewed and updated at reasonable intervals but at least annually.

The licence holder shall maintain a duty register giving details of each and every person employed in the role of a security/door person and shall provide upon request by any Police Officer or Council Officer, the following details:-

- (a) The licence number, name, and residential address and telephone number of that person (unless said person is not directly employed by the venue / licence holder. If a security company has been implemented then the contractor company will provide personal details of the individual such as home address, telephone number;
- (b) The time at which he/she commenced that period of duty, with a signed acknowledgement by that person;
- (c) The time at which he/she finished the period of duty, with a signed acknowledgement by that person;
- (d) Any times during the period of duty when he/she was not on duty;
- e) If that person is not employed directly by the licence holder or venue but via a security contractor company, then details of this company must also be supplied (company name and out of office contact details)
- (f) The register shall be so kept that it can be readily inspected by an authorised officer of the Council or Police Officer;
- (g) The duty register shall comprise of a bound, consecutively page-numbered book and the licence holder shall ensure that this register is kept in a secure environment in order to prevent unauthorised access or alterations to same.

Alcohol shall only be supplied from the fixed bars as shown on the plan deposited with the Licensing Authority as part of the premises licence.

**b) The prevention of crime and disorder**

A colour recording CCTV system that captures images from the main public areas will be fully operational whilst licensable activities are taking place. The system shall be able to cope with all levels of illumination. The recording equipment shall be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system. The system shall be maintained to a standard that is acceptable to the police licensing department responsible for the area.

The system clock shall be checked regularly for accuracy taking account of GMT.

Digital systems shall have sufficient storage capacity for 28 days evidential quality recordings (minimum 4 frames per second). The images produced shall be date and time stamped. A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.

An external CCTV camera shall be installed and fully operational whilst the venue is open to the public to cover the area immediately outside the front of the premises.

A data controller will be nominated who has access to the secure area who is able to operate the equipment, All operators receive training from the installer when equipment is installed and that this is cascaded down to new members of nominated staff. The data controller will be able to assist in replaying and exporting data (particularly important with digital systems) and to produce images to the police responsible authority for the purpose of the prevention and detection of crime as long as the request is lawful and complies with GDPR.

In the event of a technical failure of the CCTV equipment, the premises licence holder or DPS shall notify the police licensing department responsible for the area within 24 hours.

### **c) Public safety**

The premises licence holder shall risk assess the requirement for frontline door supervisor, SIA registered security staff, if the venue is to screen live sports events. Such events would include local domestic and international football and boxing.

This risk assessment shall be retained at the venue for 12 months and be produced to any responsible authority upon any reasonable request. At least one female SIA licensed door supervisor should be available if female customers are to be the subject of searches. (There is no requirement for the venue to employ female security staff.) All persons who are frontline door supervisor SIA registered and whose position or role profile is solely security at the venue, shall wear a uniform that has SIA licences clearly on show within a fluorescent holder. All front door refusals are to be recorded promptly, including the reason i.e. too intoxicated, barred suspicion of drugs etc. If a person is ejected from the venue by a member of staff, a record must be made of the incident including details of the staff members involved and a summary of the circumstances. This must be completed as soon as practicable but prior than the end of that persons shift.

If the risk assessment deems fit for the inclusion of door supervisor staff, A nominated member of security shall be positioned at the entrance / exit doors and shall be responsible for counting persons in and out of the venue. They shall use a device suitable for counting as approved by the police licensing department responsible for the area. As such, an accurate number of persons in the venue must be known at all times the venue is operating under its premises licence. This number is to include staff.

At the terminal hour of operation, the licence holder shall ensure that adequate numbers of door supervisors are employed to assist with the management of customers leaving the venue as well as those remaining in the vicinity of the premises.

Written policies on the ejection of customers and the refusal of entry of customers shall be implemented following agreement with the Police licensing department responsible for the area. A bar staff refusals register shall be implemented and maintained at the premises and made available on request to police officers or authorised Officers of Southampton City Council. A written policy on how the venue will tackle and deal with drugs and drug prevention shall be implemented following agreement with the Police licensing department responsible for the area.

### **d) The prevention of public nuisance**

We will implement (when required) a decibel reader for noise pollution, We will keep all bin emptying until normal working hours (if possible). We will do our utmost to keep light pollution to a minimum. In regards to litter there should be little to none as our business is purely on site and no off premises activities are to take place. The premises licence holder shall ensure that a representative of the premises (whenever possible the DPS) attends regular pub watch meetings or meetings of any similar scheme, so long as such a scheme is in existence.

The DPS or their representative shall ensure that descriptions of disorderly/banned individuals are circulated to other licensed venues via the Pubwatch or similar scheme. The DPS will work in cooperation with Hampshire Constabulary and other licensed venues by refusing entry to any person who has been included on the 'banned list.

A written log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the venue manager/manageress.

The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.

The record of refusals will be retained for 12 months.

The toilet facilities will be checked hourly. These checks shall be recorded in a bound log which shall be kept on the premises at all times and made available on request to police officers or authorised Officers of Southampton City Council. Any occurrences outside of normal cleaning, i.e. the finding of drugs or associated items shall be recorded in the log.

All lavatories, WC's and urinals in the premises shall at all times be kept in good order and repair and be properly cleaned, ventilated, disinfected and supplied with water (hot and cold) and the doors leading into these facilities shall be suitably marked

#### **e) The protection of children from harm**

As this is a family orientated restaurant the protection of children is of utmost importance there for we will make sure appropriate entertainment is only available during early trading hours and make sure all children of 16 years and under are accompanied by an adult. There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older. Acceptable identification for the purposes of age verification will include a photo card driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.

If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

'Challenge 25' posters shall be displayed in prominent positions at the premises.

**Checklist:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

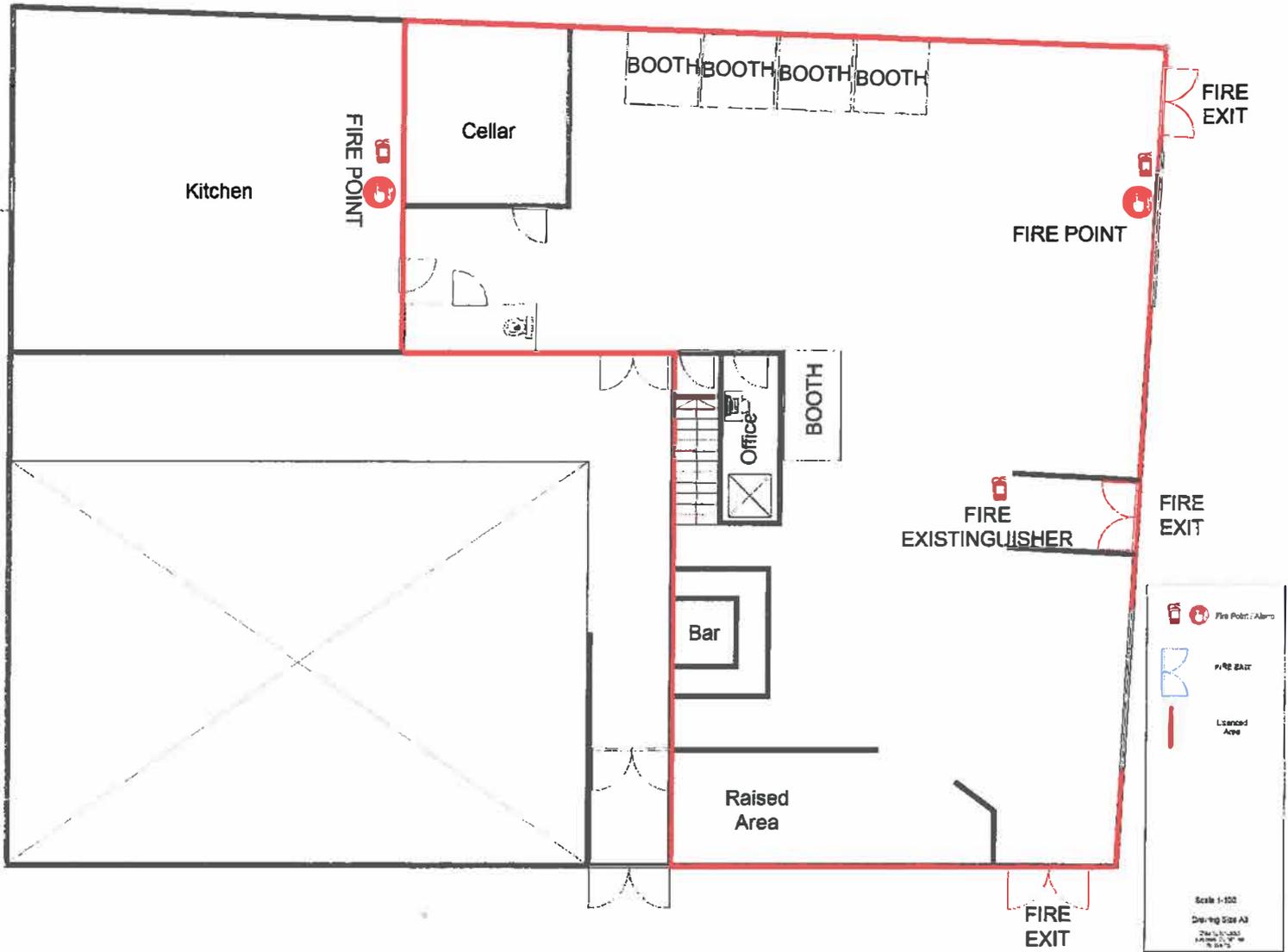
**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

|                    |  |
|--------------------|--|
| <b>Declaration</b> | <ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul> |
| <b>Signature</b>   |   |
| <b>Date</b>        | 22.08.2018   |
| <b>Capacity</b>    | Director   |

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

|           |  |
|-----------|--|
| Signature |  |
| Date      |  |
| Capacity  |  |

|   |            |
|---|------------|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) |            |
| [REDACTED]  |            |
| Post town   | [REDACTED] |
| Postcode  | [REDACTED] |
| Telephone number (if any)   | [REDACTED] |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional)   |            |
| [REDACTED]@live.com   |            |



**From:** Paul Doherty  
**To:** [Licensing](#)  
**Subject:** licensing@southampton.gov.uk  
**Date:** 20 September 2018 21:30:11  
**Attachments:** [IMG\\_1221.MOV](#)  
[IMG\\_1224.MOV](#)  
[IMG\\_1277.MOV](#)

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2018/03271/01SPRN | Premises Licence | Open for Consultation | Ground Floor Havelock Chambers 20 - 22 Queens Terrace Southampton SO14 3BQ

Your website is not currently working so please see my objection below:

### Application Summary

**Address:** Ground Floor Havelock Chambers 20 - 22 Queens Terrace Southampton SO14 3BQ

**Proposal:** Premises Licence

### Customer Details

**Name:** Dr Paul Doherty

**Email:** [REDACTED]@ymail.com

**Address:** 9 Havelock Chambers Queens Terrace Southampton

### Comments Details

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

**Comments:** I strongly object to this application on the following grounds

(1) CHILDREN

I have young children and I do not want them exposed to the alcoholic environment, secondary tobacco smoke, noise and drunken patrons, which will be a consequence of this approval. They are entitled to a peaceful and safe environment.

(2) NOISE

As you will note from your records (e.g. 11/10071/NOIS10), you have served a noise abatement order on previous licenced premises on the ground floor of Havelock Chambers. We have suffered considerable disturbance in the past and your approval will likely see this occur again. Furthermore, the soundproofing of this unit is for an office and will undoubtedly compound the noise issue.

(3) BICYCLE STORAGE

Southampton City Council has consistently failed to enforce the approved plans (04/01622/FUL) with the Freeholder of this property and as such we are still awaiting the rear of the property to be converted to 30 cycle bays, in line with your own Green Policy. Perhaps before granting any further privileges to others, you would like to discharge your responsibility to uphold the agreements put in place over 12 years ago.

(4) CONSERVATION AREA

This approval would be contrary to the conservation of the Queens Terrace area and surrounding park.

(5) WALKWAY & ENTRY/EXIT ON TO QUEENS TERRACE

Tables and chairs outside this premises would create an obstruction to pedestrians and access to the major residential part of this property. Furthermore, The road sign and walkway incline would make it inaccessible for the disabled.

(5) 05/00065/FUL/10355

You will note from item 10 of the above referenced change of use application that the property "shall be for restaurant purposes only with no drinking establishment..." This was the correct decision considering the noise abatements orders issued and the anti-social behaviour we experienced. See attached footage from my apartment of Havelock Chambers on Latimar Street.

Please also note the undischarged conditions according

to: 05/00065/FUL

I do hope that the right of peaceful existence is uphold over profits of an alcohol seller - of which there are many choices on Oxford Street already.

Kind regards,

 NM

**From:** Swallow, Brian  
**To:** [Licensing](#)  
**Subject:** FW: New Premises Licence Application - Nook Bar & Kitchen, 20-22 Havelock Chambers, Queen's Terrace, Southampton, SO14 3BQ  
**Date:** 29 August 2018 08:49:50  
**Attachments:** [Nook Bar & Kitchen Application.pdf](#)  
[Nook Bar & Kitchen DPS Consent.docx](#)  
[Nook Bar & Kitchen Plan.pdf](#)

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Dear licensing

Regarding this application, I have negotiated conditions with the applicant prior to submission. As such they appear in section "M" of the application.

If you are minded to grant this application, are you willing to copy verbatim all that is written within this section as enforceable licensing conditions. If you are agreeable, the police would be minded to not make representations against the application.

Regards

PC [REDACTED] Brian Swallow

Licensing Officer

Licensing and Alcohol Harm Reduction Team

Southampton Central neighbourhood Police Office

Southampton City Council

Civic Centre

Southampton

SO14 7LY

[REDACTED] [@hampshire.pnn.police.uk](mailto:[REDACTED]@hampshire.pnn.police.uk)

Int: [REDACTED]

Ext: 02380 47 [REDACTED]

Mob: [REDACTED]

[REDACTED]

[REDACTED]

---

**From:** Licensing & Alcohol Harm Reduction Team Mailbox

**Sent:** 23 August 2018 15:10

**To:** Swallow, Brian

**Subject:** FW: New Premises Licence Application - Nook Bar & Kitchen, 20-22 Havelock Chambers, Queen's Terrace, Southampton, SO14 3BQ

---

**From:** Poole, Leena [[mailto:\[REDACTED\]@southampton.gov.uk](mailto:[REDACTED]@southampton.gov.uk)]

**Sent:** 23 August 2018 13:57

**To:** Licensing & Alcohol Harm Reduction Team Mailbox <[licensing@hampshire.pnn.police.uk](mailto:licensing@hampshire.pnn.police.uk)>

**Cc:** Food Safety <[Food.Safety@southampton.gov.uk](mailto:Food.Safety@southampton.gov.uk)>; CS Protection Admin

<[csprotection.admin@hantsfire.gov.uk](mailto:csprotection.admin@hantsfire.gov.uk)>; Trading Standards

<[TradingStandards@southampton.gov.uk](mailto:TradingStandards@southampton.gov.uk)>; Planning <[planning@southampton.gov.uk](mailto:planning@southampton.gov.uk)>;

Safeguarding Children Licensing <[SafeguardingChildren.Licensing@southampton.gov.uk](mailto:SafeguardingChildren.Licensing@southampton.gov.uk)>; Public

Health <[Publichealth@southampton.gov.uk](mailto:Publichealth@southampton.gov.uk)>; ISD Alcohol Licensing  
<[Alcohol@homeoffice.gsi.gov.uk](mailto:Alcohol@homeoffice.gsi.gov.uk)>

**Subject:** New Premises Licence Application - Nook Bar & Kitchen, 20-22 Havelock Chambers, Queen's Terrace, Southampton, SO14 3BQ

Dear All,

**RE: Nook Bar & Kitchen, 20-22 Havelock Chambers, Queen's Terrace, Southampton, SO14 3BQ**

Please see attached a new premises licence application for the above named premises.

Application received: 23/08/2018

Last date to submit a representation: 20/09/2018

Should you wish to make a representation please email [licensing@southampton.gov.uk](mailto:licensing@southampton.gov.uk)

Kind regards

**Leena Poole**

Licensing Officer

Southampton and Eastleigh Licensing Partnership

Southampton City Council

Civic Centre

Southampton

SO14 7LY

phone: 023 8083 3002 [Option 4, Option2]

fax: [REDACTED]

e-mail: [licensing@southampton.gov.uk](mailto:licensing@southampton.gov.uk)

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## **Procedure – Applications etc. under the Licensing Act 2003 or Gambling Act 2005**

1. A hearing will be held to decide applications, etc., under the Licensing Act 2003, where there have been relevant representations from one or more of the responsible authorities or other persons. The parties to the hearing will have the chance to be heard. They are also entitled to be helped or represented by another person if due written notice is given in advance.
2. Hearings will take place before a Sub-Committee comprising three members of the Licensing Committee. One of these members will be elected Chair of the Sub-Committee for that hearing.
3. Please note that for day time hearings the Sub-Committee will normally adjourn for lunch at 1:00 p.m. and that comfort breaks will be taken at the discretion of the Chair at appropriate points during the meeting.

### **Preliminary matters**

4. The Chair will introduce those present.
5. The Chair will check whether any of the Sub-Committee members has a “disclosable pecuniary”, “personal” or “pecuniary” interest.
6. The Chair will check whether all the parties are present at the hearing, and if any are not, whether they have told the Council that they do not wish to attend or be represented. If any party who was expected to attend has not done so, the Sub-Committee will decide whether to hold the hearing in that party’s absence, or to adjourn it to another date. Hearings will be adjourned if the Sub-Committee considers this necessary in the public interest, if that is possible. If the Sub-Committee decides to hold the hearing in a party’s absence, they will still consider any written information received.
7. In the case of an application for variation or a new licence, the Sub-Committee’s legal advisor will ask the applicant or their advisor for confirmation that the required public notices have been displayed where they can conveniently be read from the exterior of the premises and that notice was given in a local newspaper within eleven working days of the day on which the application was received by the licensing authority.
8. Normally, hearings will be open to the public. However, the Sub-Committee may exclude the public from the hearing (or part of it) if they think the public interest in doing so outweighs the public interest in having the hearing in public. If the public are excluded, any of the parties to the hearing, and/or anyone helping or representing them, may also be excluded.
9. The Chair will propose a motion that the public and the press be excluded from the hearing while the Sub-Committee considers the matter. Ordinarily the legal advisor and democratic support officer will remain (see paragraph 30 (b) below).
10. The Openness of Local Government Bodies Regulations 2014 provide an entitlement for the public to film, photograph and audibly record (“record”) public meetings. However, by virtue of Schedule 6, paragraph 58 of the Licensing Act 2003 and section 101 (15) of the Local Government Act 1972, Licensing Act 2003 hearings are not covered by the entitlement to film as of right. The Council’s general approach is to encourage openness and transparency in all its dealings and the general presumption is that filming or recording of hearings shall generally be permitted where due notice has been provided in advance of the hearing. Nonetheless the following shall apply:

- i) Filming / recording / photographing hearings shall only be permitted with the express permission of the Chair. Such permission may include restrictions to protect children, vulnerable persons or others that object to being filmed / photographed / recorded.
  - ii) Requests to film / record / photograph should be made with sufficient notice in advance of the hearing. Late requests may not be granted if there shall be a delay to proceedings as a result.
  - iii) Every party to the hearing and any witnesses shall have the opportunity to object and those representations shall be considered by the Sub-Committee.
  - iv) No filming, photography or sound recording shall be permitted of any person under 18 years of age.
  - v) No person shall be put under any pressure to consent to such and no payment for such consent shall be given.
  - vi) The Chair shall have the final say as to whether any filming, photography or recording is allowed (including the extent to which permission is granted e.g. the parts of the meeting, the individuals concerned or the arrangement of the recording equipment).
  - vii) All directions given by the Chair shall be fully complied with and the Chair shall have the absolute discretion to withdraw permission to film, photograph or record in the event the same causes an obstruction or interferes with the general conduct of the hearing, including the impeding of the giving of proper evidence.
11. A party may have asked for someone else to appear at the hearing to make a point or points that may help the Sub-Committee reach a decision. It is up to the Sub-Committee to decide whether that person should be heard, although permission will not be refused unreasonably. Such a person is referred to as a “witness” in this procedure.
12. Where application has been made, in advance of the hearing, that it should be conducted in private (e.g. by the Police in review or summary review proceedings) reports shall be prepared and presented as confidential so that the Committee can make a meaningful determination in accordance with Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 to exclude the press and public. It is important to note that reports presenting Licensing Act 2003 matters are not required to be published in advance. However, certain limited information must be published in accordance with the Licensing Act 2003 (Licensing Authority’s Register) (Other Information) Regulations 2005 and section 8 of the Licensing Act 2003.

13. The Chair will then explain the procedure that will follow.

**General information on the conduct of the hearing**

14. Each party is entitled to:

- (a) Give further information in response to any point that the Council told them before the hearing they would like clarified;
- (b) With the permission of the Chair, seek clarification on any point by any other party;
- (c) Address the Sub-Committee.

15. Members of the Sub-Committee may also seek clarification of any party or witness.

16. At the Chair’s discretion, the Sub-Committee’s legal advisor may ask any questions he or she thinks are relevant.

17. Unless the Council has requested in advance that a particular point be clarified, new documentary or other evidence may not be submitted for the first time at the hearing, unless all the other parties agree.
18. Members of the Sub-Committee will have read all the papers included in the agenda for the hearing before the hearing starts. The parties are requested not to spend unnecessary time repeating evidence which is already in the papers and which is not disputed.
19. Evidence that is not relevant to the case, or to the promotion of the four licensing objectives, will be disregarded.

### **Hearing Procedure**

20. If any party has asked permission for a witness or witnesses to appear, the Sub-Committee will decide whether they should be heard (see paragraph 10 above).
21. All parties will be allowed a similar (and maximum) amount of time to put their case, and ask questions of other parties, subject to the Chair's discretion to not hear repetitive matters or questions.

### **The applicant**

22. The applicant for the licence (or their representative) or the applicant in review proceedings, may present their case.
23. If the Sub-Committee permits, the applicant may call those witnesses whose names have been provided in advance to support their application.
24. Where a group of witnesses wish to speak in support of the application for similar reasons, one person should, where possible, act as spokesperson for the whole group. The Sub-Committee may reasonably refuse permission for a witness to be heard if their evidence simply repeats points already made.
25. The Chair will invite those making representations to seek clarification on any point made by the applicant. The Chair will decide in which order those making representations will be invited to put their questions.
26. Members of the Sub-Committee or the Legal Advisor, if so permitted by the Chair, may also seek clarification of the applicant or any of their witnesses.

### **The representations**

27. Where there is more than one person making a representation, the Chair will decide the order in which they may put their case. If there is a representation from one or more of the responsible authorities, their representatives will normally be invited to put their case first.
28. The following procedure will apply to each person making a representation in turn:-
  - (a) The person making a representation (or their representative) may present their case.
  - (b) If the Sub-Committee permits, the person making a representation may call those witnesses whose names have been provided in advance to support their objection.
  - (c) Where a group of witnesses wish to speak in support of the objection for similar reasons, where possible, one person should act as spokesperson for the whole group. The Sub-Committee may reasonably refuse permission for a witness to be heard if their evidence simply repeats points already made.

(d) The Chair will invite the applicant to seek clarification on any points made by those making representations.

(e) Members of the Sub-Committee or the Legal Advisor, if so permitted by the Chair, may seek clarification of those making representations or any witnesses.

### **Summing up**

29. The Chair will invite each person making a representation to make a final statement or sum up their case.

30. The Chair will invite the applicant to make a final statement or sum up their case.

### **Sub-Committee's decision**

31.

(a) At the end of the hearing the Sub-Committee will move to private session whilst it considers the matter.

(b) The Sub-Committee's legal advisor will remain to provide legal advice and the democratic services officer will remain to record the decision. Details of any legal advice will be recorded and referenced in the decision and reasons.

(c) The parties will be invited to wait to be informed of the outcome.

(d) As soon as the decision is reached, the public and press will be invited to return to the room in which the hearing took place, and the Chair will announce the decision and the reasons for it.

(e) If a room is available, the Committee may retire to deliberate and make its decision

(f) All parties will be formally notified in writing of the decision and reasons as soon as possible.

In most cases the Sub-Committee will announce the decision at the conclusion of the hearing. In certain cases where this is not possible due to time constraints (and the Hearings Regulations permit – Regulation 26 (1) sets out those hearings where delay is not possible) the decision shall be made within 5 working days beginning with the day of the hearing or the last day of the hearing.