
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 31 MAY 2023

Present: Councillors M Bunday, A Frampton and Noon

Apologies:

1. **ELECTION OF CHAIR**

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

2. **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. Following that private session, at which time the matter would be determined, written confirmation of the decision of the Sub-Committee would be distributed to all parties to the hearing.

3. **APPLICATION FOR VARIATION OF PREMISES LICENCE - GRIFFIN, 35-37 ANGLESEA ROAD, SOUTHAMPTON SO15 5QH**

The hearing was held as a remote hearing with all parties participating virtually using Microsoft Teams and was streamed live online for the press and public to view via the Live Events platform.

The Sub-Committee considered very carefully the application for a variation of the premises licence at Griffin 35 - 37 Anglesea Road Southampton SO15 5QH. 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 Crime and Disorder Act 1998 and the Equality Act 2010 were borne in mind 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 noted that representation had been made by the Fire Service, Planning and Sustainability – Development Control and three residents. No other responsible authority had made representations.

The application was for a full variation to extend the current licence as follows: 1) Live music until 23:00hrs every day. 2) Recorded music, late night refreshment, and supply of alcohol to 01:30hrs Monday to Saturday and midnight on Sunday. 3) A new plan of the area to be licensed.

The Sub-Committee heard evidence from the applicant in the form of a prepared statement from the Premises Licence Holder, and oral representations from the DPS. The objectors did not attend, so only their written objections were considered.

Considering all the above, the Sub-Committee:

RESOLVED to grant the application, subject to the following additional conditions and agreed as follows:

- Live music shall be permitted until 23:00 every day
- Recorded music, late night refreshment and the supply of alcohol shall be permitted until 00:00 (midnight) every day inside the building.
- Patrons shall not be permitted onto the outside area after 10pm every day.
- The plan of the licenced area to be approved, insofar as it is in the curtilage of the Griffin.

Reasons

Legislation provides for a presumption of the granting of 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.

The Sub-Committee noted the concerns of the residents, which were mainly concerned with public nuisance in the form of noise caused by customers and music being played at the venue.

The objections were based on public nuisance, given that the hours could lead to customers noise and loud music creating a nuisance for residents in a heavily residential neighbourhood. Accordingly, the Sub-Committee had to determine to what extent, if at all, the proposed variation would lead to additional issues at the premises and whether these could be mitigated by further conditions. On balance the Sub-Committee felt that the amount of time applied for was excessive and would increase the public nuisance in a way that would not be remediable by conditions, however a short extension would be permissible.

The additional conditions are imposed to ensure that the public nuisance caused by patrons in the pub's beer garden is mitigated by only permitting them into the garden until 10pm. The committee, recognising that the area is heavily residential, were concerned that there was not enough of a plan to mitigate noise caused at a time when residents will be going to sleep.

Although the sub-committee recognises that there have been no issues since the pub re-opened in October 2022, and a plan is being developed to promote all of the licensing objectives, it is not satisfied that there is enough detail currently in the plan to satisfy the sub-committee that the licensing objectives will be completely met. The sub-committee were also mindful that the hours applied for were disproportionate in relation to other venues in the area, and this could cause further issues.

The sub-committee felt that it would be reasonable to close the beer garden at 10pm and only permit the sale of alcohol until midnight, in line with other venues in the area.

The sub-committee were however encouraged by the Applicant stating that they are taking measures beyond their licence to promote the licensing objectives. 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.

The Sub-Committee acknowledged the genuine concerns of the residents but is limited to dealing with the application in accordance with 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.