
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 5 JULY 2017

Present: Councillors McEwing, Painton and Parnell

1. **ELECTION OF CHAIR**

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

2. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the meeting held on 11 May 2017 be approved and signed as a correct record.

3. **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.

4. **APPLICATION FOR NEW PREMISES LICENCE - SOUTHAMPTON HARBOUR HOTEL, 5 MARITIME WALK, SOUTHAMPTON SO14 3QT**

The Sub-Committee considered the application for grant of premises licence in respect of Southampton Harbour Hotel, 5 Maritime Walk, Southampton SO14 3QT.

There was a short adjournment to ascertain if Environmental Health would be attending the meeting, and it was accepted that they would not be in attendance.

Mr Maguire (Applicant), Councillor Paffey (Ward Councillor), Mr Smart (Chair of Ocean Village Marina Residents Association), Mr Place, Mr Robb, Mr Griffith and Mr White (Local Residents) 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 premises licence be granted to include conditions proposed by the Environmental Health Officer and in accordance with conditions already agreed with the police.

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 Southampton Harbour Hotel, 5 Maritime Walk, Southampton SO14 3QT.

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 significant number of residents, police and environmental health. 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 and refusals). The applicant also confirmed that a condition had been agreed with environmental health restricting the use of external areas after 2200 hours on any day.

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 the premises should be in line with surrounding premises in terms of operation;
- That sound, particularly bass, travels more easily over water increasing the risk for noise nuisance;
- That the provision of off licence sales at the premises presents a risk to the licensing objective of Crime and Disorder;
- The closing of a footpath in the area indicates existing levels of nuisance;
- That the extensive hours put forward by the application could lead to excessive interference/nuisance;
- That boats visiting the harbour might be encouraged to create nuisance as a result of licensable activities at the premises.

The Sub-Committee considered all of these points particularly carefully but accepted legal advice given during the hearing that the Sub-Committee is bound to consider the application on its merits, that no precedent applies with regards to other premises and the application can only be reasonably restricted where evidence shows there is a risk presented to one or more of the licensing objectives.

The Sub-Committee heard evidence from the applicant confirming that detailed conditions had been agreed with the police and that all licensable activities would cease outside at the premises at midnight on any day. Further, that any live or recorded music or anything similar shall be restricted in any outside area to being of a background level (no louder than normal conversation), after 2200 hours on any day. The applicant also confirmed that sales of alcohol for consumption off the premises shall cease at midnight on any day.

The Sub-Committee was reassured to hear more detail in relation to the nature of the proposed premises and the fact that the applicant would be very much concerned to ensure that their own residents as well as nearby local residents are not disturbed by noise nuisance at sensitive times. Accordingly, the Sub-Committee assessed the risk in this particular instance as being relatively low. This assessment was aided by the conditions agreed and amendments made during the course of the hearing.

It is reassuring to hear that the applicant has engaged with residents and is willing to provide a contact number for residents to raise concerns when they arise. The Sub-Committee recommends that this co-operation continues going forward.

Whilst it is accepted that residents might wish to achieve a complete ban on any audible noise emanating from the premises, the Sub-Committee was not satisfied that such a ban would be practical nor appropriate at this time. The Sub-Committee is not convinced that the operation of the premises will materially affect the behaviour of those on boats and even if it did this would be too remote for the Sub-Committee to take into account.

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.

NOTE: At the commencement of the meeting, Councillor McEwing declared a minor interest and with the consent of all parties remained in the meeting and took part in the decision making.