
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 17 OCTOBER 2018

Present: Councillors Mrs Blatchford, Streets and T Thomas

18. **ELECTION OF CHAIR**

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

19. **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

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.

20. **APPLICATION FOR A NEW PREMISES LICENCE - NOOK BAR AND KITCHEN, GROUND FLOOR, HAVELOCK CHAMBERS, 20 - 22 QUEENS TERRACE, SOUTHAMPTON, SO14 3BQ**

The Sub-Committee considered the report for an application for a premises licence in respect of Nook Bar and Kitchen, Ground Floor Havelock Chambers, 20-22 Queens Terrace, Southampton SO14 3BQ.

Mr Mclean (Applicant) was 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.

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

The Sub-Committee noted that there had been no representation from any of the responsible authorities save for the police who indicated their satisfaction following negotiation and agreement of the imposition of conditions implementing the operating

schedule. One residential representation had been received leading to the hearing. The Sub-Committee accepted legal advice provided during the course of the hearing that those parts of the representation relating to planning issues and/or breaches of the planning consent cannot be taken into consideration when making the decision relating to the premises licence. The Sub-Committee therefore had to concentrate its mind upon the four licensing objectives. A resident was in attendance, wishing to speak on behalf of the residential objector, but not having received formal written confirmation in advance of the hearing and noting that it had been indicated that the intention was merely to read the representation (and legal advice confirming that no further evidence could, in any event, be given in addition to issues raised in the written representation), the Sub-Committee determined not to allow the resident in attendance to address the Committee.

Having heard all the above evidence, including video evidence submitted by the resident, the Sub-Committee determined to grant the application as applied for and in accordance with the operating schedule which shall form the basis of conditions attached to the licence.

Reasons

The Sub-Committee heard that the intention of the applicant is to run a family orientated restaurant and that licensable activities shall cease at 11.30pm. It was particularly noted during the course of the applicant's evidence that the general intention was for live music to cease before 10.30pm on any evening and that recorded music would merely be in the form of background music (no sub-woofer or PA system would be utilised) and that external windows and doors would be closed after 10.00pm on any evening, excepting for access and egress. It was also the intention of the applicant to monitor sound levels outside the building at regular intervals, using a decibel meter if necessary. The applicant was questioned about the application mentioning the use of door staff, screening live sports events and the levels of insulation in the building. The applicant confirmed that the operating schedule reflected earlier plans for a different style of premises, initially intended to be open until 2.00am and that following negotiation with the police, the intention has changed to running a family orientated restaurant with occasional live music.

The Sub-Committee did consider very carefully the potential impact upon residents living in close proximity particularly resulting from potential noise nuisance but in light of the evidence detailed above, coupled with the lack of representation from Environmental Health, did not feel that it would be appropriate to further restrict the operation of the business in light of the current proposal. It was confirmed by the applicant that there was no intention to provide any outside seating for dining and that patrons wishing to step outside to smoke would be ushered towards a clearly defined, potentially roped, area. Also, staff are to be trained in relation to managing patrons outside the premises. The Sub-Committee were impressed by the experience and qualifications of the applicant and were reassured that the premises would be responsibly run.

Should the premises change the way it operates and this leads to issues impacting upon the licensing objectives, a review may be initiated by residents as well as responsible authorities. This may result in appropriate steps being taken to address the issues of concern at that stage.

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.