
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 18 DECEMBER 2019

Present: Councillors Mrs Blatchford, G Galton and McEwing

31. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meeting held on 27 November 2019 be approved and signed as a correct record.

33. **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. The parties to the hearing, press and the public, unless otherwise excluded by Category 4 of paragraph 10.4 of the Council's Access to Information Procedure Rules, would be invited to return immediately following that private session at which time the matter would be determined and the decision of the Sub-Committee announced.

34. **APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE - BAR SO16, 228A BURGESS ROAD, SOUTHAMPTON SO16 3AY**

The Sub-Committee considered the report of the Service Director of Transactions and Universal Services for an application for a premises licence in respect of Bar SO16, 228A Burgess Road, Southampton SO16 3AY.

Jas Mandair and Baljit Mandair, representatives from the applicant company, and two representatives from a local business, James Rhodes and Adrian Melina 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.

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 Bar SO16, 228a Burgess Road, Southampton SO16 3AY. 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 and equality legislation has been borne in mind whilst making the decision.

The Sub-Committee noted that the applicant had amended the application (as set out in the report commencing at page 54 of 88) following representations from Hampshire Constabulary, Environmental Health and the Planning department, and two objections, one from a local business and the second from a local resident.

The Sub-Committee also considered one letter received in support of the application.

The applicant confirmed that the agreed conditions at pages 82 of 88 to page 84 of 88 were the consolidated conditions put forward by the Responsible Authorities, after discussion with the applicant.

The Sub-Committee noted that no further representations or comment had been received from the above Responsible Authorities following circulation of the amended application and conditions on the 29 November 2019.

The applicant company was represented by Jas Mandair and Baljit Mandair. The local business who had made representations was represented by Adrian Melina and James Rhodes. The Sub-Committee also considered the written representation from a local resident, Verity Charlton, who was unable to attend. No Responsible Authorities attended the hearing.

The Sub-Committee having considered all of the above has determined to grant the amended application subject to the agreed conditions at pages 82 of 88 to page 84 of 88 of the report.

Reasons

The Sub-Committee heard evidence from a local business orally at the hearing and in written representations relating to concerns about noise, in particular possibly affecting four tenanted properties. It also raised concern about possible unauthorised parking on their business premises (public nuisance).

The resident was particularly concerned with issues of potential noise disturbance from the premises including, but not limited to, recorded music within the premises and from smokers outside the premises. The resident also raised concerns about noise from the beer garden but the Sub-Committee noted that the amended application no longer included a beer garden. The resident also raised concerns about potential nuisance parking in the area.

The Sub-Committee does acknowledge these concerns. However, the Sub-Committee does not consider it would be appropriate or proportionate to refuse the application in whole or in part at this time on the basis of the evidence presented. The Sub-Committee considered it particularly significant that the Responsible Authorities that had made representations on the original application had then agreed conditions and had not attended the hearing.

Residents and local businesses can be reassured that where the grant of any application leads to an adverse impact upon the licensing objectives a review of the licence can be brought and appropriate steps taken at that time.

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.