

**LICENSING (LICENSING AND GAMBLING) SUB – COMMITTEE
DECISION OF THE MEETING HELD ON 25 OCTOBER 2023
APPLICATION FOR VARIATION OF A PREMISES LICENCE
WHISKEY BLUE, 129 HIGH STREET, SOUTHAMPTON, SO14 2BR**

All parties will receive formal written confirmation of the decision and reasons.

This 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 Whiskey Blue, 129 High Street, Southampton, SO14 2BR. 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 Environmental Health Service and four residents. No other responsible authority had made representations.

The application was for a variation:

- to the plan
- to reduce licensable hours of live music, recorded music, performance of dance
- to add licensable activities play and films
- to replace all licensing conditions with those referred to in 'Sheet One' in the application.

The Sub-Committee heard oral evidence from the applicant Mr Alexander, and from Mr Taylor (Environmental Health Officer) and residents Ms Powell and Mr Brasil. The written representations were also considered.

Considering all the above, the Sub-Committee has decided to refuse the application.

Reasons

The Sub-Committee was refreshingly impressed with Mr Alexander's honesty in taking responsibility for the position he finds himself in. It was also impressed with the steps he had taken to try to assist and compensate the Tenants.

However, by his own admission the premises is not suitable as a live music venue with residential accommodation above. In those circumstances the Sub-Committee concluded that there were no conditions that could be imposed to alleviate the public nuisance already occurring. Granting the application which in practical terms would increase the hours for licensable activities, would just make matters worse.

The objections were based on public nuisance and there was also objection to the amendments to conditions applied for. Generally, residents are concerned that any additional extension to licensable activities will lead to an increase in public nuisance. Accordingly, the Sub-Committee had to determine to what extent, if at all, the proposed variation would lead to additional issues at the premises.

The Sub-Committee accepted the representations made by the Tenants and Environmental Health as, to his credit, did the Applicant. There are public nuisance issues now with the licence in its current form. Granting the application is likely to lead to additional issues.

The Sub-Committee heard that the tenants immediately above the premises will shortly be vacated and it is the intention of the Applicant to take those flats so that there will be no residents immediately above. It is not clear what impact that will have on remaining residents.

It seems to the Sub-Committee that the Applicant needs to try to sort out the noise issues and once that is done satisfactorily could then seek to vary his licence.

The Sub-Committee sincerely hopes that the Applicant will be able to do so and make the premises a success.

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.