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**SOUTHAMPTON CITY COUNCIL**  
**LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE**  
**MINUTES OF THE MEETING HELD ON 28 JULY 2021**

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Present: Councillors G Galton, B Harris and McEwing

19. **ELECTION OF CHAIR**

In accordance with S.14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005, the hearing was held using video conferencing and the public were able to view a live stream of the proceedings using a web link published on the council website. This was in the interest of public safety given the isolation restrictions imposed by the Prime Minister as a result of the public health risks due to the Coronavirus or Covid-19. As a result, the Council offices were closed to the public and this licensing sub-committee was held remotely with parties to the hearing participating by way of conference call.

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

20. **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.

21. **APPLICATION FOR NEW PREMISES LICENCE - GIN AND OLIVE, 140 ABOVE BAR STREET, SOUTHAMPTON SO14 7DU**

The Sub-Committee considered very carefully the report of the Service Director – Communities, Culture and Homes. Representations by all the parties present at the hearing as well as written representations were also fully taken into consideration. The Sub-Committee received emails from responsible authorities, after the report had been submitted and those were taken into consideration.

The Sub-Committee considered the representations, both written and given orally by all parties. The Human Rights Act 1998, The Equality Act 2010 and The Crime and Disorder Act 1998 Section 17 were considered whilst making the decision.

Due regard was given to the provisions of the Licensing Act 2003, including the statutory licensing objectives, the statutory guidance and the City Council's adopted statement of licensing policy.

The Sub-Committee noted that the premises fell within the Cumulative Impact Zone and in accordance with the City Council's adopted statement of licensing policy there was an onus on the applicant to demonstrate, on a balance of probabilities, that the premises would not add to the cumulative impact.

The Sub-Committee also took into account that Hampshire Constabulary, Environmental Health and Licensing had agreed conditions be placed on the licence should it be granted.

The Sub-Committee noted that no other Responsible Authorities had made representations to the Hearing. Having considered all of the above the Sub-Committee:

**RESOLVED** to grant the licence in accordance with the application save the following conditions:

• Licensable activity would be as follows:

Sunday	10.00am - 11.30pm
Monday	10.00am - 11.30pm
Tuesday	10.00am - 11.30pm
Wednesday	10.00am - 11.30pm
Thursday	10.00am - 12.30am
Friday	10.00am - 01.30am
Saturday	10.00am - 01.30am

- The premises will close 30 minutes after licensable activity ends.
- The hours of operation of the premises and this includes all licensable activity shall not exceed the times set by the planning permission relevant to each part of the premises.
- Within a period of 3 calendar months from the first date of opening to paying customers any Designated Premises Supervisor (DPS) for the premises shall not be a DPS for any other premises at the same time.
- No emptying of bottles or glass outside between 21.00 and 09.00 hours
- The external doors and windows to be closed during live music performance, except for access and egress
- The sound level will be such that the level of music is not audible at nuisance level at the boundary of the nearest noise sensitive property at any time

### **Reasons**

The Sub-Committee noted the representations received by the local residents and that the appropriate Responsible Authorities had been in contact with the applicant and had imposed conditions on the license, which were agreed by the applicant.

The Sub-Committee heard from local residents and were also addressed by the applicant, Mr Anthony Ferreira, PC Mark Hawley, Hampshire Constabulary, Phil Bates, Licensing Manager Southampton City Council.

The Sub-Committee noted that some of the objections were irrelevant to the licensing objectives such as planning issues. Whilst some of the public nuisance issues were related to other premises.

The Sub-Committee listened to the concerns of the local residents regarding issues of noise and anti-social behaviour. Local residents were reassured that following the grant of a license, should they experience any issues with noise or anti-social behaviour, they could request a review of the license.

The Sub-Committee noted the *Ask Angela* policy was to be in place and staff trained accordingly.

There is a right of appeal for any party to the Magistrates' Court. All parties will receive written notification of the decision with reasons which will set out that right in full.