

Licensing (Licensing and Gambling) Sub-Committee

Wednesday, 6th October, 2021
at 4.00 pm

PLEASE NOTE TIME OF MEETING

Virtual Meeting

This meeting is open to the public

Members

Three Members drawn from the Licensing Committee

Contacts

Democratic Support Officer
Maria McKay
Email: maria.mckay@southampton.gov.uk

Executive Director Communities, Culture & Homes
Mary D'Arcy
Tel: 023 8083 4611
Email: mary.d'arcy@southampton.gov.uk

PUBLIC INFORMATION

The Members of the Licensing Committee are Councillors, G Galton, B Harris, Laurent, Leggett, McEwing, Noon, J Payne, Spicer, Stead and Streets.

Terms of Reference

The Sub-Committee deals with licences for which the Council is responsible under the Licensing Act 2003 and Gambling Act 2005, including:-

- Determination of applications for review of premises licences and club premises certificates;
- Determination of representations to applications for premises licences and club premises certificates, variations and various permits;
- Determination of police objections to applications for:
 - Variation of designated premises supervisors
 - Transfer of premises licences
 - Personal licences for the sale of alcohol
- Determination of objections to temporary event notices.

Relevant Representations

Those who have made relevant representations may address the meeting about the matter in which they have an interest. New matters, not raised within a written representation, can not be relied upon at the hearing.

When dealing with Licensing Act matters the Sub-Committee must only take into account the following statutory Licensing Objectives:-

- prevention of crime and disorder
- public safety
- prevention of public nuisance
- protection of children from harm

Likewise, when dealing with Gambling Act matters the Sub Committee must only take into account the statutory Licensing Objectives below:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

Southampton: Corporate Plan 2020-2025 sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

Fire Procedure:- In the event of a fire or other emergency a continuous alarm will sound, and you will be advised by Council officers what action to take.

Access:- Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Smoking policy:- The Council operates a no-smoking policy in all civic buildings.

Mobile Telephones:- Please switch your mobile telephones to silent whilst in the meeting

Use of Social Media:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting. By entering the meeting room, you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public. Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so. Details of the Council's Guidance on the recording of meetings is available on the Council's website.

Dates of Potential Meetings Municipal Year 2021/22

Meetings are scheduled on a weekly basis usually at 4pm on a Wednesday evening.

CONDUCT OF MEETING

Terms of Reference

The terms of reference are contained in the Council's Constitution.

Business to be discussed

Only those items listed on the attached agenda may be considered at this meeting.

Rules of Procedure

The meeting is governed by the Licensing Act 2003 (Hearings) Regulations 2005 and the Council Procedure Rules as set out in Part 4 of the Constitution, so far as it is applicable.

Quorum 3

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having an 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision-making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

1 **ELECTION OF CHAIR**

To appoint a Chair for the purposes of this meeting.

2 **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

To note any changes in the membership of the Sub-Committee made in accordance with the Licensing Act 2003.

3 **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

4 **STATEMENT FROM THE CHAIR**

5 **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)** (Pages 1 - 32)

To approve and sign as a correct record the Minutes of the previous meetings held in municipal years 2020 to 2021 and 2021-2022, as detailed, and to deal with any matters arising, attached.

6 **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

At a predetermined point during the consideration of all items the Sub-Committee may 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 the Licensing Act 2003 (Hearings) Regulations 2005, will be invited to return immediately following that private session at which time the matter will be determined and the decision of the Sub-Committee will be announced.

7 **APPLICATION FOR A NEW PREMISES LICENCE 7TH HEAVEN CAFE 19 CHURCH STREET SO15 5LG** (Pages 33 - 68)

Tuesday, 28 September 2021

Executive Director Communities, Culture & Homes

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Agenda Item 5

Minutes of Licensing (Licensing and Gambling) Sub-Committee meetings:

- 31 March 2021
- 07 April 2021
- 28 April 2021i
- 28 April 2021ii

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SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 31 MARCH 2021

Present: Councillors G Galton, McEwing and Renyard

45. **ELECTION OF CHAIR**

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

46. **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.

47. **APPLICATION FOR REVIEW OF PREMISES LICENCE - CATTLE STEAKHOUSE, 14-15 HANOVER BUILDINGS, SOUTHAMPTON SO14 1AE**

The Sub Committee considered the application in accordance with the Licensing Act 2003 (Hearings) and Regulations 2005 (as amended). The Sub Committee also took into consideration the Crime and Disorder Act 1998 and the Human Rights Act 1998.

The Sub Committee gave due regard to the Equality Act 2010. The Council's statement of Licensing Policy and statutory guidance was taken into account. In reaching its decision the Sub Committee was mindful of Procedure Rules as set out in Part 4 of the Constitution, so far as it was applicable.

The Sub-Committee considered very carefully the application for review of the premises licence at Cattle Steakhouse, 14-15 Hanover Buildings, Southampton, SO14 1EA. The application to review related to two licensing objectives: The prevention of crime and disorder and public safety.

The Sub Committee took into account the written report presented by the Service Director, Communities, Culture and Homes, as well as video and written evidence submitted to the Sub Committee by Hampshire Constabulary in advance of the hearing. The panel also received written representations from the Licensing Authority, Public Health, and the Premises License Holder.

The Sub-Committee considered the representations, both written and given orally at the hearing, by all parties. The Sub-Committee heard from the applicant PC Mark Hawley and the Licensing Officer Karen Head and Phil Gilbert, Public Health. Mr Nazim Ahmed was also in attendance and addressed the Sub-Committee.

The Sub-Committee considered the decision in confidential session in accordance with the Licensing Act (Hearings) Regulations 2005.

In light of all of the above the Sub-Committee:

RESOLVED that the premises licence be revoked.

Reasons

The Sub-Committee considered very carefully the application of PC Mark Hawley. It gave 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 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.

The Sub-Committee considered all the options set out in Section 52(4) Licensing Act 2003 (namely):

- To modify the conditions of the licence
- To exclude a licensable activity from the scope of the licence
- To remove the DPS
- To suspend the licence for a period not exceeding 3 months
- To revoke the licence

The Sub-Committee was concerned that this was a very serious incident, which breached the Coronavirus regulations, which in turn impinged on the licensing objectives of the prevention of crime and disorder and public safety.

At the time of the event the country was in national lockdown with regulations in place for public safety. Hospitality premises were permitted only to provide food to be taken away and eaten off site. Coronavirus regulations were breached when customers were allowed to eat and drink on the premises. Mr Nazim Ahmed failed to acknowledge the regulations in place or his responsibility for ensuring staff and public safety on the premises.

Additionally, he failed to recognise the seriousness of the threat to public health that Covid 19 represents and the importance of behaving in accordance with both the legislative provisions and government guidance in order to control its spread, thus disregarding the potential harm placed on the general public.

On the date in question at the arrival of the police, a number of customers were warned to exit through a staff door, not the public exit. None of the staff or customers were adhering to regulatory safety measures. No face masks were worn, and no social distancing was in place and there was evidence that smoking was taking place in doors.

Whilst the Sub-Committee considered the reasons given for people to be on the premises at the time, there was no acceptable reason for eating, drinking and smoking to be taking place on site. Evidence of illegal activity taking place suggested that this was not a single event. The absence of CCTV footage (which breached a condition of the license) as requested by Hampshire Constabulary, meant that there was no proof to the contrary.

The Sub-Committee felt that Mr Ahmed's lack of knowledge for his responsibilities as DPS and Premises License Holder, in view of the current pandemic and the period of national lockdown, was a serious concern.

The issues highlighted could not be resolved by modification of conditions or excluding a licensable activity from the scope of the license. This was because the offences related to non-licensable activities. Removal of the DPS would still have left Mr Ahmed in control as the premises license holder. The gravity of the incident meant that suspension was not appropriate.

As DPS, Mr Ahmed had failed in his duties and responsibilities and there was concern that he was putting profit before public safety. The Sub-Committee deliberated long and hard and came to the conclusion that revoking the license was the only proportionate response to promote the licensing objectives of the prevention of crime and disorder and public safety.

There is a statutory right of appeal against this decision to the Magistrates' Court within 21 days of formal notification, which will set out that right in full.

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SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 7 APRIL 2021

Present: Councillors Bunday, G Galton and Renyard

48. **ELECTION OF CHAIR**

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

49. **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.

50. **APPLICATION FOR GRANT OF A PREMISES LICENCE - DHALIWAL TWO STORE, 31 ONSLOW ROAD, SOUTHAMPTON SO14 0JH**

The Sub-Committee considered very carefully the application for a premises licence at Dhaliwal Two Store, 31 Onslow Road, Southampton SO14 0JH in the report of the Service Director, Communities, Culture and Homes. It gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy.

The Sub-Committee considered the application as submitted, including the representation from the objector, Mrs. Salina Rahman-Khan, who did not attend. The Sub-Committee heard from Mrs. Anuragpreet Kaur, the applicant and her son Mr Garry Singh, as well as her representative, Mr Semper.

The Sub-Committee considered the representations, both written and given orally at the hearing 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.

It was noted that the proposed conditions as set out in the application were deemed as satisfactory by Hampshire Constabulary and Trading Standards and that Environmental Health – Licensing and the Fire Service found the application to be satisfactory also.

The Sub-Committee noted that the objections related to historic issues at the premises which concerned problems later in the evening. There were no current concerns raised by Environmental Health or Hampshire Constabulary. The Sub-Committee was satisfied that the allegations made against the applicant were unfounded.

The Sub-Committee was advised that as the premises fell within the cumulative impact area the presumption of grant provided for by the legislation is reversed. There is a rebuttable presumption to refuse the licence. To rebut that presumption the applicant needs to satisfy the Sub-Committee that the operation of its premises will not add to the cumulative impact already being experienced.

Nevertheless, in light of all the above the Sub-Committee:

RESOLVED that the application should be granted, subject to the conditions agreed with Hampshire Constabulary and Trading Standards as set out. For clarity, the conditions imposed were those as set out in section M of the application to include limiting the floor space for alcohol display and limiting the supply of alcohol between the hours of 7:00am and 11:00pm every day.

Reasons

The Sub-Committee considered the representation which objected to the application. It noted the concerns in respect of the licensing objectives that were raised. Hampshire Constabulary made no representation against this application and were aware that the proposed DPS would be at two stores. The Applicant satisfied the Sub-Committee that the concerns were unfounded.

The Sub-Committee also carefully considered the representations made in support of the application. The applicant acknowledged that the application was within the cumulative impact area and had factored this within the operating schedule.

Weighing up all of the above, the Sub-Committee did not consider it would be appropriate or proportionate to refuse the application at the time on the basis of the evidence presented. The Sub-Committee concluded that it would be appropriate and proportionate to grant the licence subject to the conditions and stated hours.

The Sub-Committee felt able to depart from its policy relating to cumulative impact areas as the applicant had provided evidence that the premises would not add to the cumulative impact already experienced.

Factors in this were the fact that the premises would be an off-licence and there was a terminal hour for sale of alcohol of 11:00p.m. This differed from many premises in the area and so the premises would have a relatively small throughput of customers throughout the licensable hours and there would not be a congregation after other premises closed.

It was noted that the police specifically stated that they were satisfied with the proposed conditions in the application.

Residents and local businesses were reassured that where the grant of any application lead to an adverse impact upon the licensing objectives, a review of the licence could be brought by them 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.

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

Present: Councillors McEwing, Bunday and Noon

51. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meeting held on 24 March be approved and signed as a correct record.

53. **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.

54. **APPLICATION FOR NEW PREMISES LICENCE - AVENUE FOOD AND WINE, 21 METHUEN STREET, SOUTHAMPTON SO14 6FL**

The Sub-Committee considered very carefully the application for a premises licence at Avenue Food and Wine 21 Methuen Street, SOUTHAMPTON SO14 6FL. It gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy.

The Sub-Committee considered the report of the Service Director for Communities, Culture and Homes, the representations, both written and given orally at the hearing 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.

The Applicant confirmed to the Sub-Committee that following discussion with Trading Standards, both the opening hours applied for, and the hours for the supply by retail of alcohol (for consumption on and off the premises) were agreed. The Sub-Committee noted that the hours were comparable to the local opening hours of those Off-License premises referenced in the representations.

Supply by retail of alcohol:

Monday 0700 - 2300

Tuesday 0700 - 2300

Wednesday 0700 - 2300

Thursday 0700 - 2300

Friday 0700 - 2300

Saturday 0700 - 2300

Sunday 0700 – 2300

The Sub-Committee noted that generally the legislation provides for a presumption of grant of a licence, unless the Licensing objectives cannot be met by conditions, which, having considered the report, the Sub-Committee agreed it could. The premises was not located in a Cumulative Impact Zone, so there was no presumption of refusal.

The Sub-Committee heard from members of the public and a neighbouring business premises who objected to the application.

The Sub-Committee considered whether it would be justified in departing from its Statement of Licensing Policy in light of the representations, but after careful consideration decided it was not.

In light of all the above the Sub-Committee:

RESOLVED that the licence be granted subject to the conditions agreed with Trading Standards as set out above.

Reasons

The Sub-Committee considered very carefully all the representations objecting to the application. It noted the strength of feeling and the concerns in respect of the licensing objectives that were raised.

The Sub-Committee considered the representations made by the applicant and the type of premises the applicant wished to run. It noted the fact that Trading Standards had agreed conditions with the applicant and had not attended.

Whilst the Sub-Committee were mindful of the concerns raised by the objectors regarding the problems in the area with a number of licenced premises, this decision was made bearing in mind the licensing objectives and assurances by the applicant's solicitor to ensure the premises would not adversely affect those licensing objectives.

Residents and local businesses were reassured that where the grant of any application leads to an adverse impact upon the licensing objectives a review of the licence could be brought by them 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.

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

Present: Councillors Bunday, McEwing and Noon

55. **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 McEwing be elected as Chair for the purposes of this meeting.

56. **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

RESOLVED that there was no personal or pecuniary interest from Cllr Bunday who declared that he lived in the area of the proposed business but that he was not impacted by it and had no interest in the business.

57. **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.

58. **NEW APPLICATION FOR PREMISES LICENCE - PERSIAN CULTURAL CENTRE, 1 MANOR FARM ROAD, SOUTHAMPTON SO18 1NN**

The Sub-Committee considered very carefully the application for a premises licence at Persian Cultural Centre, 1 Manor Farm Road, Bitterne, Southampton. It gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy.

The Sub-Committee considered the report of the Service Director for Communities, Culture and Homes, the representations, both written and given orally at the hearing 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.

The Sub-Committee noted that legislation provides for a presumption of grant of a licence, unless the licensing objectives cannot be met by conditions, which, having considered the report, the Sub-Committee agreed it could.

The Applicant confirmed to the Sub-Committee the opening hours applied for and the conditions for licensable activity as agreed with Hampshire Constabulary.

The Sub-Committee heard from members of the public who objected to the application. They confirmed their objections related to the use of the outside of the premises for licensable activities. The applicant's representative confirmed that this application was limited to use inside the premises.

The Sub-Committee considered whether it would be justified in departing from its Statement of Licensing Policy in light of the representations, but after careful consideration decided it was not.

In light of all the above the Sub-Committee:

RESOLVED that the application be granted subject to the conditions agreed with Hampshire Constabulary.

Reasons

The Sub-Committee considered very carefully all the representations objecting to the application. It noted the strength of feeling and the concerns in respect of the licensing objectives that were raised. Particularly in relation to roof access overlooking private residential gardens. However, the applicant's representative made it clear that there would be no use of the outside space, including the roof terraces without further application.

Whilst the Sub-Committee was mindful of the concerns raised by the objectors regarding the problems that may arise relating to additional noise and pollution in the area. It became clear that the objections were directed against use of the outside of the premises.

The decision was made bearing in mind the licensing objectives and assurances by the applicant to ensure the premises would not adversely affect those licensing objectives.

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

Whilst this was not part of the decision, the Sub-Committee noted that the applicant had not considered parking but offered to liaise with the local community should this become an issue to ensure public safety.

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.

Agenda Item 5

Appendix 2

Minutes of Licensing (Licensing and Gambling) Sub-Committee meetings:

- 12 May 2021 item 51-53 page 38–39
- 26 May 2021 item 1-3 page 1
- 02 Jun 2021 item 4-6 page 2-3
- 09 Jun 2021 item 7-9 page 4-5
- 16 Jun 2021 item 10-12 page 6-7
- 22 Jun 2021 item 13-15 page 8-9
- 23 Jun 2021 item 16-18 page 10-11
- 28 Jul 2022 item 19 -21 page 12-13

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SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 12 MAY 2021

Present: Councillors Laurent, McEwing and Noon

51. **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 McEwing be elected as Chair for the purposes of this meeting.

52. **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.

53. **NEW PREMISES APPLICATION - GORILLAS, 133 PORTSWOOD ROAD, SOUTHAMPTON SO17 2FX**

The Sub-Committee considered very carefully the application for a premises licence at Gorillas Technology Ltd, 133 Portswood Road, SOUTHAMPTON SO17 2FX. It gave 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 at the hearing, by all parties. The Human Rights Act 1998, The Equality Act 2010 and The Crime and Disorder Act 1998 Section 17 were considered in making the decision.

The Applicant confirmed to the Sub-Committee that, following discussion with Police, the opening hours applied for were agreed as follows:

Supply by retail of alcohol:

Monday	0800 - 0000
Tuesday	0800 - 0000
Wednesday	0800 - 0000
Thursday	0800 - 0000

Friday 0800 - 0000
Saturday 0800 - 0000
Sunday 0800 – 0000

The Sub-Committee received legal advice that the legislation provides for a presumption of grant of a licence, unless the licensing objectives cannot be met by conditions.

The Sub-Committee heard from members of the public who objected to the application. In light of all the above the Sub-Committee:

RESOLVED that the licence be granted subject to the conditions agreed with Hampshire Constabulary.

Reasons

The Sub-Committee considered very carefully all the representations objecting to the application. It noted the strength of feeling and the concerns in respect of the licensing objectives that were raised. The Sub-Committee was unable to consider matters raised in representations that related to planning.

The Sub-Committee considered the fact that the premises was located in a residential area, and the impact it might have to residents in the location. Consideration was given to the representations made by the applicant and the type of premises they wished to run with regards to the range of alcohol and food items they wished to sell.

It noted the fact that Hampshire Constabulary had agreed conditions with the applicant and had not raised the need for a hearing. It was also noted in particular that there is to be no access into the premises by the public.

Having considered all of this, the decision was made to grant the application. Whilst the Sub-Committee was mindful of the concerns raised by the objectors regarding the problems concerning potential noise and disruption, the decision was made bearing in mind the type of business to be run from the premises. Accordingly, having listened carefully to the assurances by the applicant's solicitor, the Sub-Committee decided that the application met licensing policy and to grant the application.

This decision was on the basis that the Sub-Committee believed that the conditions agreed with Hampshire Constabulary would be sufficient to ensure the premises would adhere to the licensing objectives.

Residents and local businesses were reassured that where the grant of any application lead to an adverse impact upon the licensing objectives a review of the licence could be brought by them 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.

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SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 26 MAY 2021

Present: Councillors McEwing, Noon and G Galton

1. **ELECTION OF CHAIR**

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

2. **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 the Licensing Act 2003 (Hearings) Regulations 2005, 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.

3. **NEW PREMISES APPLICATION - GIN AND OLIVE, UNIT 5 THE ARTS COMPLEX, SOUTHAMPTON SO14 7DU**

The Sub-Committee considered the report of the Executive Director Communities, Culture and Homes for an application for grant of a premises licence in respect of Gin and Olive Unit 5 The Arts Complex 140 Above Bar Street Southampton SO14 7DU.

Representatives for Gin and Olive, Southampton City Council Licensing, Hampshire Constabulary, and residents of Guildhall Apartments were present and with the consent of the chair addressed the panel.

The applicant made a request for the hearing to be adjourned so that further evidence of the lease and planning consent for the property could be submitted to the hearing.

The Sub-Committee moved into private session in order to receive legal advice.

The Sub-Committee gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, and the adopted statement of Licensing Policy. The Sub-Committee considered that matters regarding planning legislation could not be taken into consideration in a Licensing hearing and the applicant and objectors had already been provided with requisite time to submit additional evidence to the hearing.

RESOLVED that the hearing would not be adjourned to a future date.

The applicant's representative, Mr G Hopkins, declared that the applicant had decided to withdraw the application for grant of a premises licence in respect of Gin and Olive.

RESOLVED that the applicant had confirmed the withdrawal of the application for grant of a premises licence and the hearing would be closed.

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SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 2 JUNE 2021

Present: Councillors G Galton, B Harris and Noon

4. **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.

5. **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.

6. **NEW PREMISES APPLICATION - PORTERS STEAKHOUSE, UNIT 2, HAVELOCK CHAMBERS, SOUTHAMPTON SO14 3BQ**

This hearing was held as a virtual meeting 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 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 panel also viewed camera footage that was made available ahead of the hearing.

It gave 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 at the hearing 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. Human rights legislation was borne in mind.

The Sub-Committee also took into account that neither Hampshire Constabulary nor any other Responsible Authorities had made representations to the Sub-Committee Hearing.

RESOLVED that having considered all of the above the Sub-Committee agreed to grant the licence in accordance with the application save that the terminal hour for the supply of alcohol will be 2300 every day; the premises would be closed to the public every day at that time. There would be an additional condition that the emergency exit only be used, other than in an emergency, by staff serving Council approved outdoor tables.

Reasons

The Sub-Committee heard from Nial Casey, Maria Gherda, and Diogo Cerqueira, who were local residents of Havelock Chambers. The Sub-Committee was also addressed by the applicant, Christopher Lawbuary.

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

The Sub-Committee listened to the concerns of the local residents regarding issues of noise, and with this in mind to address the licensing objective of prevention of public nuisance, decided to limit the opening hours of the premises and the hours for sale of alcohol and other licensable activities.

The additional condition relating to the emergency exit would also address concerns around the licensing objective of public nuisance as raised by the residents.

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.

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SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 9 JUNE 2021

Present: Councillors G Galton, B Harris and Noon

7. **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.

8. **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.

9. **APPLICATION FOR NEW PREMISES LICENCE - LITTLE ALEX RESTAURANT, 100C ST MARY STREET, SOUTHAMPTON SO14 1PE**

This hearing was held as a virtual meeting 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 report of the Service Director – Communities, Culture and Homes. Representations by all parties present at the hearing, as well as written representations, were fully taken into consideration. The Sub-Committee had also viewed camera footage that was made available ahead of the hearing.

It gave 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 Equality Act 2010 and The Crime and Disorder Act 1998 Section 17 were considered whilst making the decision.

The Sub-Committee also took into account that Hampshire Constabulary, Trading Standards and Environmental Health - Licensing had agreed conditions with the applicant prior to the hearing and that no other Responsible Authorities had made representations to the Sub-Committee.

RESOLVED that having considered all of the above the Sub-Committee agreed to grant the licence in accordance with the conditions agreed with Hampshire Constabulary, Trading Standards and Environmental Health – Licensing.

Reasons

The Sub-Committee noted the representation received by the local resident 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 noted the applicant's representation that alcohol was to be provided as an ancillary to the service of food. The Sub-Committee was satisfied that the premises would be closed to new customers at 2300 daily but allow existing customers until midnight to finish their meal and drinks.

The Sub-Committee further noted that the applicant confirmed that training will be implemented and completed for all staff members prior to commencement of trading.

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.

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SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 16 JUNE 2021

Present: Councillors G Galton, Leggett and Noon

10. **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.

11. **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.

12. **APPLICATION FOR NEW PREMISES LICENCE - QUAYSIDE, UNIT 3, AZERA, CAPSTAN ROAD SOUTHAMPTON SO19 9UR**

The hearing was held as a virtual meeting 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 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.

It gave 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 Equality Act 2010 and The Crime and Disorder Act 1998 Section 17 were considered whilst making the decision.

The Sub-Committee considered the representations, both written and given orally at the hearing, by all parties.

The Sub-Committee also took into account that neither Hampshire Constabulary nor any other Responsible Authorities had made representations to the Sub-Committee Hearing.

RESOLVED that having considered all of the above the Sub-Committee agreed to grant the licence in accordance with the application.

Reasons

The Sub-Committee was provided with legal advice that the legislation provides for a presumption of grant of a licence, unless the Licensing objectives cannot be met by conditions.

The Sub-Committee heard from local resident Sabine Venier of Azera Capstan Road. The Sub-Committee was also addressed by the applicant's representative, Mr Leo Charalambides.

The Sub-Committee considered very carefully the representation made objecting to the application. It noted the strength of feeling and the concerns in respect of the licensing objectives that were raised. However, the Sub-Committee accepted that the concerns related more to a private than public nuisance. Further, that Environmental Health had been satisfied with the application as it stood. It was also noted that the concerns were at this stage speculative.

The Sub Committee noted that Hampshire Constabulary and the applicant had agreed the conditions of the license as set out in the application.

Weighing up all of the above, the Sub-Committee did not consider it appropriate or proportionate to refuse the application at that time on the basis of the evidence presented. The Sub-Committee concluded that it would be appropriate and proportionate to grant the licence subject to the agreed conditions.

The Sub-Committee recognised and shared the concerns relating to later opening hours but did not at the time have evidence or power to change those hours.

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

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.

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SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 22 JUNE 2021

Present: Councillors Laurent, McEwing and Streets

13. **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 Streets be elected as Chair for the purposes of this meeting.

14. **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.

15. **APPLICATION FOR NEW APPLICATION - RITAS, 48-49 OXFORD STREET, SOUTHAMPTON SO14 3DP**

This hearing was held as a virtual meeting using Microsoft Teams and was streamed live online for the press and public to view via the Live Events platform.

The Sub-Committee has 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.

It gave 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. The Human Rights Act 1998, The Equality Act 2010 and The Crime and Disorder Act 1998 Section 17 were considered whilst making the decision.

The Sub-Committee took into account the fact that Hampshire Constabulary had agreed conditions prior to the meeting and that no representations were made by any other Responsible Authorities.

RESOLVED that having considered all of the above the Sub-Committee granted the licence in accordance with the application, save for the following:

- that Live music would be reduced from seven days per week to four days per week, those being Thursday, Friday, Saturday and Sunday plus Bank Holidays with a terminal hour of 2300.
- Recorded music would continue to be seven days a week but with a terminal hour of 2330.

Reasons

The Sub-Committee heard from the applicant Mr Jephcote, and residents Mr Stevie Timberlake, and Mr and Mrs Currer.

The Sub-Committee listened to the concerns of the local residents regarding issues of noise and with this in mind limited the hours of live music and recorded music hours as noted above.

The Sub-Committee noted that the applicant agreed to display signage at the doors of the premises visible as customers leave relating to being respectful of local residents.

The applicant stated that any outside smoking area is not included in the licence application and that signage would be visible to customers to remind them not to take alcohol or glassware out of the premises.

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.

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SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 23 JUNE 2021

Present: Councillors G Galton, B Harris and McEwing

16. **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.

17. **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.

18. **APPLICATION FOR VARIATION TO A PREMISES LICENCE - SOUTHAMPTON INT BOAT SHOW, HERBERT WALKER AVENUE, SOUTHAMPTON**

This hearing was held as a virtual meeting 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 variation of the premises licence at Southampton International Boat Show

Herbert Walker Avenue, Western Docks Southampton both in the written report presented to it by the Service Director – Communities, Culture and Homes, and by those who attended the hearing having made a representation.

It gave 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 noted that one representation objecting to the application was made by a local resident and that there were no representations from any of the Responsible Authorities.

RESOLVED that in light of all the above, the Sub-Committee determined to grant the variation to the premises licence.

Reasons

The Sub-Committee heard from Lesley Robinson and David Rogers on behalf of the applicant. The Sub-Committee carefully considered the written objection and heard from the objector, George McIntosh who had made the representation.

Generally, the objector was concerned that granting the variation would lead to an increase in the negative impact of the event on residents of the local area. Accordingly, the Sub-Committee had to determine to what extent, if at all, the proposed variation would lead to additional issues.

The Sub-Committee noted that neither the police nor any Responsible Authority had made any representation on this application and considered that there was not any evidence of significant weight concerning intrusive activities. The Sub-Committee heard of the measures the applicants would have in place to address these concerns.

The Sub-Committee noted that the applicant confirmed that the closing times for licensable activities were much earlier than set out on the license. The latest being 2130.

The Sub-Committee was pleased to receive confirmation that no alcohol or cans or bottles were to be taken off site and measures were in place to ensure this.

The Sub-Committee noted that the event had been planned under the current Covid restrictions, which allowed for a maximum of four thousand visitors per day.

There is a general right to review a premises licence, which can be brought by residents or responsible authorities. In the event that the premises causes issues of concern the licence, in its entirety, can be considered at that stage where the evidence supports it.

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.

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

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.

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Agenda Item 7

DECISION-MAKER LICENSING (LICENSING & GAMBLING) SUB COMMITTEE

SUBJECT HEARING TO CONSIDER AN APPLICATION FOR GRANT OF A PREMISES LICENCE – 7th Heaven Cafe & Bar 19 Church Street Southampton SO15 5LG

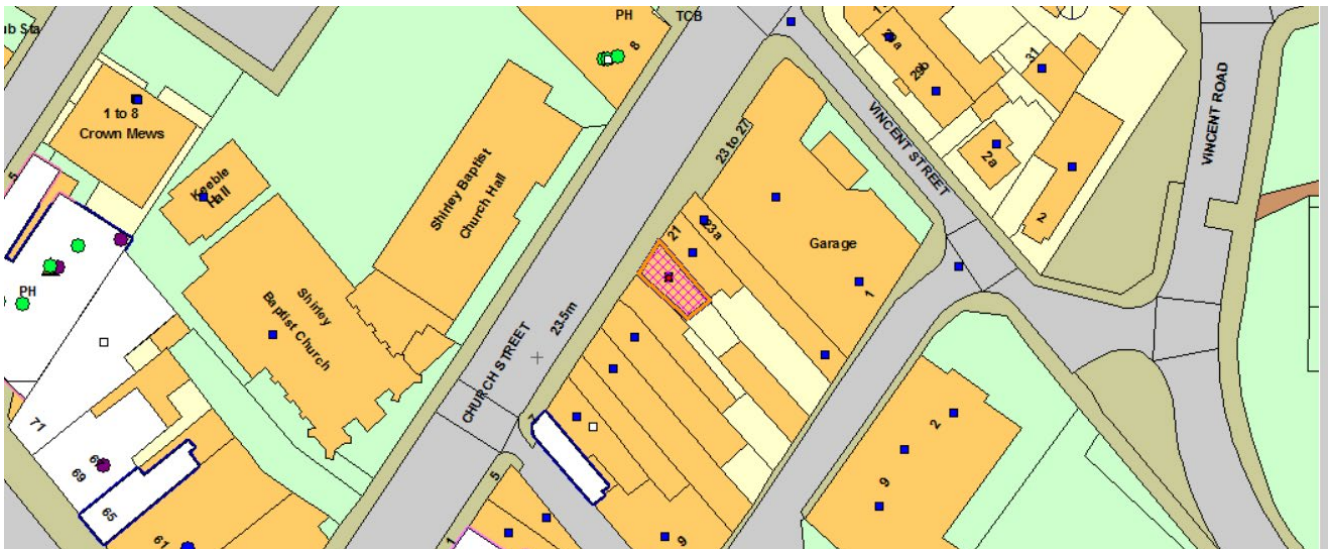
DATE OF HEARING 6th October 2021 16.00 hrs

REPORT OF SERVICE DIRECTOR – COMMUNITIES,CULTURE AND HOMES

E-mail licensing@southampton.gov.uk

Application Date : 5th August 2021 Application Received 5th August 2021

Application Valid : 20th August 2021 Reference : **2021/02416/01SPRN**



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Representations from Responsible Authorities

Responsible Authority	Satisfactory?
Safeguarding Children	Satisfactory
Fire Service	Satisfactory
Environmental Health - Licensing	Satisfactory
Home Office	No Response

Building Control	No Response	
Public Health Manager	No Response	
Police - Licensing	Agreed Conditions	
Trading Standards	No Response	
Other Representations		
Name	Address	Contributor Type
Mr. Clive Trowbridge	57 St James Close Southampton SO15 5NB	Resident

Legal Implications

The legislation specifically restricts the grounds on which the sub-committee may refuse an application for grant of a premises licence, or impose conditions. The legislation provides for a presumption of grant of an application for a premises licence, subject to the determination of the application with a view to promoting the licensing objectives in the overall interests of the local community. In doing so the sub-committee must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- its own statement of licensing policy
- the Statutory Guidance

An application may be refused in part and thereby only permit some of the licensable activities sought.

An applicant for grant of a premises licence whose application has been refused, or who is aggrieved by conditions imposed, may appeal against the decision to the Magistrates' Court. Any other person, who made a valid representation, may appeal to the Magistrates' Court against the decision to grant the application or against any conditions imposed.

In considering this application the sub-committee is obliged to consider the application in accordance, in particular, with both the Licensing Act 2003(Hearings) Regulations 2005 (as amended) and the rules of natural justice

The practical effect of this is that the sub-committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

Only persons that made relevant representations or their representative, within the time limits, will be allowed to present evidence and this will be restricted to the points raised in their written representation. Any evidence used to expand upon specific points already raised in a written

representation should be served upon all parties in good time before the hearing date in order to allow proper consideration. A failure to properly serve any such additional evidence in advance is likely to mean it cannot be produced or relied up at the hearing.

The sub-committee must also have regard to:

- The Crime and Disorder Act 1998*
 Section 17 of the Crime and Disorder Act 1998 places the sub-committee under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
- The Human Rights Act 1998*
 The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the sub-committee to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the sub-committee that could have an effect upon another person’s Human Rights must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the sub-committee which affect another's rights must be no more onerous than is necessary in a democratic society. The matters set out in this report must be considered in light of the above obligations.

Copies of the application for grant of a premises licence and the representations to it are annexed to this report.

Equality Act 2010

Section 149 of the Equality Act 2010 requires the Council to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act. It also requires the Council to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This means having due regard to the need to removing or minimising disadvantages suffered, taking steps to meet the needs of persons, encouraging persons to participate in public life, tackling prejudice and promoting understanding. The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

SUMMARY

This application is for a small Café/Restaurant with about 6 tables. The applicant intends only to open on Tuesday – Sunday initially but Monday has been requested in case required.

Applicant	Miss Ewa Mikus
Designated Premises Supervisor	Ewa Mikus

Licensable Activities.

Supply by retail of alcohol	
Monday	12:00 - 20:00
Tuesday	12:00 - 20:00
Wednesday	12:00 - 20:00
Thursday	12:00 - 20:00
Friday	12:00 - 22:00
Saturday	12:00 - 22:00
Sunday	12:00 - 20:00

Conditions consistent with the operating Schedule

1 CHALLENGE 25

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.

Acceptable identification for the purposes of age verification will include a photo card driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.

If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

'Challenge 25' posters shall be displayed in prominent positions at the premises.

2 CCTV

A colour recording CCTV system that captures images from the main public areas must be fully operational whilst licensable activities are taking place.

The system shall be able to cope with all levels of illumination.

The recording equipment shall be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.

The system shall be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area.

The system clock shall be checked regularly for accuracy taking account of GMT and BST.

Digital systems shall have sufficient storage capacity for 28 days evidential quality recordings (minimum 4 frames per second).

The images produced shall be date and time stamped.

A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.

An additional recording CCTV camera shall be installed and fully operational whilst the venue is open to the public to cover the area immediately outside the front of the premises.

It is important that the Police are able to access data from the systems quickly and easily and therefore provision shall be made that at all times a person is in attendance who is nominated by the data controller who has access to the secure area who is able to operate the equipment.

Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of nominated staff.

Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems) and to produce images to the police responsible authority for the purpose of the prevention and detection of crime as long as the request is lawful and complies with the data protection Act.

In the event of a technical failure of the CCTV equipment, the premises licence holder or DPS shall notify the police licensing department responsible for the area within 24 hours.

3 REFUSALS BOOK

A written log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the venue manager/manageress.

The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.

The record of refusals will be retained for 12 months.

4 INCIDENT BOOK

An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature.

The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. This record shall be produced to a police officer or an authorised officer of the local authority on reasonable request. This record shall be retained for a period of 12 months.

5 STAFF TRAINING

Before commencing their duties all new staff must receive information and training concerning the sale of age-restricted products.

This training must cover their legal responsibilities and action to be taken in the event of suspicions being aroused that someone is purchasing or attempting to purchase an item under the legal age.

All employees will sign a letter to acknowledge that they have completed this training and have understood their responsibilities on this area.

This training should be reviewed and updated at reasonable intervals but at least annually.

Training records will be kept on the licensed premises to which they relate.

The applicant has agreed conditions with Hampshire Constabulary, and we have received no objections from any other responsible authority. The application has received one public objection.

Included in Report

Application

Plan

Hampshire Constabulary Agreed Conditions

1 Public Representation

Hearing Procedure Notes

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We EWA MIKUS

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description			
19 CHURCH STREET			
7 th Heaven CAFE & BAR			
Post town	SOUTHAMPTON	Postcode	SO15 5LG

Telephone number at premises (if any)	N/A
Non-domestic rateable value of premises	£

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | |
|--|-----------------------------|
| <input checked="" type="radio"/> a) an individual or individuals * | please complete section (A) |
| <input type="radio"/> b) a person other than an individual * | |
| i as a limited company/limited liability partnership | please complete section (B) |
| ii as a partnership (other than limited liability) | please complete section (B) |
| iii as an unincorporated association or | please complete section (B) |
| iv other (for example a statutory corporation) | please complete section (B) |
| <input type="radio"/> c) a recognised club | please complete section (B) |
| <input type="radio"/> d) a charity | please complete section (B) |

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the please complete section (B)
Care Standards Act 2000 (c14) in respect of an
independent hospital in Wales
- ga) a person who is registered under Chapter 2 of please complete section (B)
Part 1 of the Health and Social Care Act 2008
(within the meaning of that Part) in an
independent hospital in England
- h) the chief officer of police of a police force in please complete section (B)
England and Wales

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a
statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr	Mrs	<u>Miss</u>	Ms	Other Title (for example, Rev)	
Surname		MIKUS		First names	
		EWA			
Date of birth	[REDACTED]		18 years old or over	Please tick <u>yes</u>	
Nationality	POLISH				
Current residential address if different from premises address	57 SOMERS WAY				
Post town	EASTLEIGH		Postcode	SO50 5TQ	
Daytime contact telephone number					
E-mail address (optional)	[REDACTED]				
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)

Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start? DD MM YYYY

4	6	0	8	2	0	2	1
---	---	---	---	---	---	---	---

If you wish the licence to be valid only for a limited period, when do you want it to end? DD MM YYYY

--	--	--	--	--	--	--	--

Please give a general description of the premises (please read guidance note 1)

LITTLE PREMISES WITH 6 TABLES AND NOT EXCEED 20 PEOPLE IN ONE OCCASION. ALCOHOL WOULD BE SELL/SUPPLY ON THE PREMISES WITH GENERAL CONSUMPTION AS WELL.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend. 20

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

- Provision of regulated entertainment (please read guidance note 2) Please tick all that apply
- a) plays (if ticking yes, fill in box A)
 - b) films (if ticking yes, fill in box B)
 - c) indoor sporting events (if ticking yes, fill in box C)
 - d) boxing or wrestling entertainment (if ticking yes, fill in box D)
 - e) live music (if ticking yes, fill in box E)
 - f) recorded music (if ticking yes, fill in box F)
 - g) performances of dance (if ticking yes, fill in box G)
 - h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day				Outdoors	
Start	Finish			Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<u>Please give further details here</u> (please read guidance note 4)	Both
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Thur			
Fri			
Sat			
Sun			

D.

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both</u> -- please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)</p>	Indoors	
Mon				Outdoors	
				Both	
Tue			<p><u>Please give further details here</u> (please read guidance note 4)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)</p>		
Sun					

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for <u>consumption</u> – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>						
				Off the premises	<input type="checkbox"/>						
				Both	<input checked="" type="checkbox"/>						
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)								
Mon	12:00	20:00									
Tue	12:00	20:00				N/A					
Wed	12:00	20:00									
Thur	12:00	20:00				Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)					
Fri	12:00	22:00									
Sat	12:00	22:00							N/A		
Sun	12:00	20:00									

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	EWA MIKUS
Date of birth	[REDACTED]
Address	[REDACTED]
Postcode	[REDACTED]
Personal licence number (if known)	I JUST PASSING MY TRAINING TO OBTAIN
Issuing licensing authority (if known)	PERSONAL LICENCE

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	—	—	N/A
Tue	12:00	20:00	
Wed	12:00	20:00	
Thur	12:00	20:00	
Fri	12:00	22:00	
Sat	12:00	22:00	
Sun	12:00	20:00	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

b) The prevention of crime and disorder

WE'LL INSTALL CCTV IN THE PREMISES

c) Public safety

ALCOHOL WILL BE SOLD ONLY FOR
IN STORE CONSUMPTION

d) The prevention of public nuisance

WILL SELL ALCOHOL RESPONSIBLY FOLLOWING
LEGAL REQUIREMENTS

e) The protection of children from harm

	<p>entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</p> <p>* The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</p>
Signature	
Date	
Capacity	

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

CHILDREN WON'T BE SUPPLIED WITH ALCOHOL,
 WON'T BE SERVED WITHOUT GUARDIAN/PARENT

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

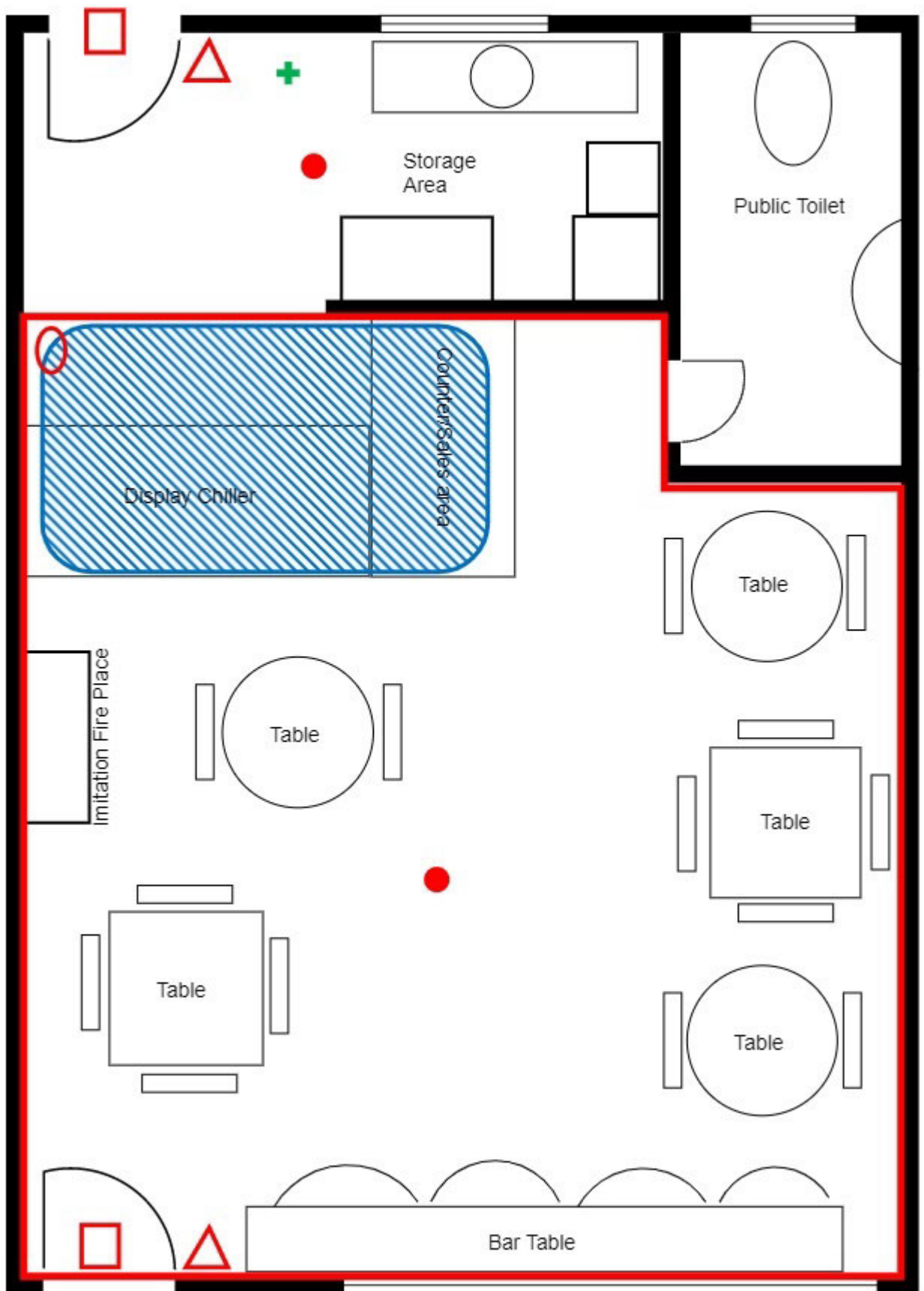
IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the
--------------------	---



From: [Hawley, Mark \(25491\)](#)
To: [Licensing](#); [REDACTED]
Subject: FW: OD: New Premises Application 7th Heaven Cafe & Bar 19 Church Street SO15 5LG - 2021/02416/01SPRN
Date: 03 September 2021 07:49:13

Dear Licensing

Please find agreed amendments (Conditions in bold font) to the application for the above premises. We make representation on the application but based on the amendments a hearing is not necessary.

Kind regards

Mark

From: Ewa Mikus [REDACTED]
Sent: 01 September 2021 13:56
To: Hawley, Mark (25491) [REDACTED]
Subject: OD: New Premises Application 7th Heaven Cafe & Bar 19 Church Street SO15 5LG - 2021/02416/01SPRN

Good afternoon Mark,

First of all, I apologize for the delayed reply. I read through your email and I'm more than happy with all conditions you asked for and we'll make sure to put them in place once asap.
Also, if there is anything else we should do, please let me know, so we don't miss anything.

Thank you very much once again,

Kind Regards
Ewa Mikus

Wysłano z telefonu Huawei

----- Oryginalna wiadomość -----

Od: "Hawley, Mark (25491)" [REDACTED]
Data: śr., 1 wrz 2021, 12:49
Do: [REDACTED]
Temat: FW: New Premises Application 7th Heaven Cafe & Bar 19 Church Street SO15 5LG - 2021/02416/01SPRN

From: Hawley, Mark (25491)
Sent: 24 August 2021 12:55
To: [REDACTED]
Subject: FW: New Premises Application 7th Heaven Cafe & Bar 19 Church Street SO15 5LG - 2021/02416/01SPRN

Dear Ewa,

I spoke to Krystian last week and suggested that I would add a few conditions to support the promotion of the Licensing Objectives.

Please read them and if you agree to have them added to any Licence should it be granted, please reply on this email chain.

Kind regards

Mark

PC 25491 Mark HAWLEY

Licensing Officer

Licensing & Alcohol Harm Reduction Team

Southampton Central Police Station

Southampton

SO15 1AN

Office – [REDACTED]

Office – [REDACTED] #

Mobile – [REDACTED]

[Licensing Home Page](#)

CCTV

A colour recording CCTV system that captures images from the main public areas must be fully operational whilst licensable activities are taking place.

The system shall be able to cope with all levels of illumination.

The recording equipment shall be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.

The system shall be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area.

The system clock shall be checked regularly for accuracy taking account of GMT and BST.

Digital systems shall have sufficient storage capacity for 28 days evidential quality recordings (minimum 4 frames per second).

The images produced shall be date and time stamped.

A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.

An additional recording CCTV camera shall be installed and fully operational whilst the venue is open to the public to cover the area immediately outside the front of the premises.

It is important that the Police are able to access data from the systems quickly and easily and therefore provision shall be made that at all times a person is in attendance who is nominated by the data controller who has access to the secure area who is able to operate the equipment

Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of nominated staff.

Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems) and to produce images to the police responsible authority for the purpose of the prevention and detection of crime as long as the request is lawful and complies with the data protection Act.

In the event of a technical failure of the CCTV equipment, the premises licence holder or DPS shall notify the police licensing department responsible for the area within 24 hours.

REFUSALS BOOK

A written log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the venue manager/manageress.

The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.

The record of refusals will be retained for 12 months.

INCIDENT BOOK

An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature.

The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. This record shall be produced to a police officer or an authorised officer of the local authority on reasonable request. This record shall be retained for a period of 12 months.

STAFF TRAINING

Before commencing their duties all new staff must receive information and training concerning the sale of age-restricted products.

This training must cover their legal responsibilities and action to be taken in the event of suspicions being aroused that someone is purchasing or attempting to purchase an item

under the legal age.

All employees will sign a letter to acknowledge that they have completed this training and have understood their responsibilities on this area.

This training should be reviewed and updated at reasonable intervals but at least annually.

Training records will be kept on the licensed premises to which they relate.

CHALLENGE 25

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.

Acceptable identification for the purposes of age verification will include a photo card driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.

If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

'Challenge 25' posters shall be displayed in prominent positions at the premises.

From: Licensing & Alcohol Harm Reduction Team Mailbox

[REDACTED]

Sent: 20 August 2021 13:45

To: Hawley, Mark (25491) [REDACTED]

Subject: FW: New Premises Application 7th Heaven Cafe & Bar 19 Church Street SO15 5LG - 2021/02416/01SPRN

Hi Mark,

Please can you deal with this app, Bob

[REDACTED]

From: [REDACTED]
To: [Licensing](#)
Subject: Re: 7th Heaven Cafe & Bar - 2021/02416/01SPRN
Date: 24 August 2021 19:18:00

Hello my address is 57 st james close Shirley Southampton so15 5nb.also my objection is that this would create a alchahol problem in the area and also drunkenness in the area whereby the person or persons who have already had to much to drink and will possibly intimidate and harrass people walking by and also asking people to buy more drink for them as well as the possibility of broken glass which would be dangerous to people walking on the pavement as well the smell of spilt alchahol and drunks being sick on the pavement. which would have to be cleaned up by the council as well as possibly fights due to domestic abuse as well and or disputes over many things ! .

On Tue, 24 Aug 2021, 14:50 Licensing, [REDACTED] > wrote:

Mr Trowbridge

Application for a Premises Licence – 7th Heaven Café & Bar

19 Church Street SO15 5LG

I refer to your recent email seeking to make representations to the above application under the Licensing Act 2003.

Having carefully considered your email, it does not appear to be a “relevant representation” within the meaning of the Act because:

You have not provided your address and your representation does not address the licensing objectives.

In the circumstances, unless you can provide further information to clarify the position I am unable to accept your email as a representation which is capable of being considered by the Council in determining this application.

If you wish to amend and resubmit your representation we will need to receive this by **17 September 2021**

Tricia Young

Licensing Officer

Please note I am only in the office on Monday, Tuesday and Thursday at the present time

Southampton and Eastleigh Licensing Partnership

Southampton City Council

Tel: [REDACTED]

Fax: [REDACTED]

E-mail: licensing@southampton.gov.uk

Web: www.southampton.gov.uk/licensing or www.eastleigh.gov.uk/licensing

Post: Licensing – Southampton City Council

Civic Centre Southampton SO14 7LY

From: mr clive trowbridge <[REDACTED]>
Sent: 24 August 2021 14:22
To: Licensing <[REDACTED]>
Subject: Licensing website enquiry

CAUTION: This email originated from a non UK Government address. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Privacy statement:

Privacy check box
I have read the above and understand how the council will use my data

Name: mr clive trowbridge

Email address: [REDACTED]

Phone number: [REDACTED]

Premises name/vehicle plate number: 19 church st shirley southampton

Licence reference number:

Message: i wish respectively to object to a licence for the selling or drinking on the premises known as 19 church st shirley southampton.due to a number of shops selling alchahol in the district.also i consider that this possibly could cause the police and ambulance services extra stress especially in the current climate of covid virus.

This email is confidential but may have to be disclosed under the Freedom of Information Act 2000, Environmental Information Regulations 2004 or data protection legislation. If you are not the person or organisation it was meant for, apologies, please ignore it, delete it, and notify us. SCC does not make legally binding agreements or accept formal notices/proceedings by email. E-mails may be monitored. This email (and its attachments) is intended only for the use of the person(s) to whom it is addressed, and may contain information that is privileged and/or confidential. If it has come to you in error, you must take no action based on it, nor must you copy or show it to anyone.

Our Privacy Policy (<http://www.southampton.gov.uk/privacy>) explains how we handle your personal data

Procedure – Applications etc. under the Licensing Act 2003 or Gambling Act 2005

1. A hearing will be held to decide applications, etc., under the Licensing Act 2003, where there have been relevant representations from one or more of the responsible authorities or other persons. The parties to the hearing will have the chance to be heard. They are also entitled to be helped or represented by another person if due written notice is given in advance.
2. Hearings will take place before a Sub-Committee comprising three members of the Licensing Committee. One of these members will be elected Chair of the Sub-Committee for that hearing.
3. Please note that for day time hearings the Sub-Committee will normally adjourn for lunch at 1:00 p.m. and that comfort breaks will be taken at the discretion of the Chair at appropriate points during the meeting.

Preliminary matters

4. The Chair will introduce those present.
5. The Chair will check whether any of the Sub-Committee members has a “disclosable pecuniary”, “personal” or “pecuniary” interest.
6. The Chair will check whether all the parties are present at the hearing, and if any are not, whether they have told the Council that they do not wish to attend or be represented. If any party who was expected to attend has not done so, the Sub-Committee will decide whether to hold the hearing in that party’s absence, or to adjourn it to another date. Hearings will be adjourned if the Sub-Committee considers this necessary in the public interest, if that is possible. If the Sub-Committee decides to hold the hearing in a party’s absence, they will still consider any written information received.
7. In the case of an application for variation or a new licence, the Sub-Committee’s legal advisor will ask the applicant or their advisor for confirmation that the required public notices have been displayed where they can conveniently be read from the exterior of the premises and that notice was given in a local newspaper within eleven working days of the day on which the application was received by the licensing authority.
8. Normally, hearings will be open to the public. However, the Sub-Committee may exclude the public from the hearing (or part of it) if they think the public interest in doing so outweighs the public interest in having the hearing in public. If the public are excluded, any of the parties to the hearing, and/or anyone helping or representing them, may also be excluded.
9. The Chair will propose a motion that the public and the press be excluded from the hearing while the Sub-Committee considers the matter. Ordinarily the legal advisor and democratic support officer will remain (see paragraph 30 (b) below).
10. The Openness of Local Government Bodies Regulations 2014 provide an entitlement for the public to film, photograph and audibly record (“record”) public meetings. However, by virtue of Schedule 6, paragraph 58 of the Licensing Act 2003 and section 101 (15) of the Local Government Act 1972, Licensing Act 2003 hearings are not covered by the entitlement to film as of right. The Council’s general approach is to encourage openness and transparency in all its dealings and the general presumption is that filming or recording of hearings shall generally be permitted where due notice has been provided in advance of the hearing. Nonetheless the following shall apply:

- i) Filming / recording / photographing hearings shall only be permitted with the express permission of the Chair. Such permission may include restrictions to protect children, vulnerable persons or others that object to being filmed / photographed / recorded.
 - ii) Requests to film / record / photograph should be made with sufficient notice in advance of the hearing. Late requests may not be granted if there shall be a delay to proceedings as a result.
 - iii) Every party to the hearing and any witnesses shall have the opportunity to object and those representations shall be considered by the Sub-Committee.
 - iv) No filming, photography or sound recording shall be permitted of any person under 18 years of age.
 - v) No person shall be put under any pressure to consent to such and no payment for such consent shall be given.
 - vi) The Chair shall have the final say as to whether any filming, photography or recording is allowed (including the extent to which permission is granted e.g. the parts of the meeting, the individuals concerned or the arrangement of the recording equipment).
 - vii) All directions given by the Chair shall be fully complied with and the Chair shall have the absolute discretion to withdraw permission to film, photograph or record in the event the same causes an obstruction or interferes with the general conduct of the hearing, including the impeding of the giving of proper evidence.
11. A party may have asked for someone else to appear at the hearing to make a point or points that may help the Sub-Committee reach a decision. It is up to the Sub-Committee to decide whether that person should be heard, although permission will not be refused unreasonably. Such a person is referred to as a “witness” in this procedure.
12. Where application has been made, in advance of the hearing, that it should be conducted in private (e.g. by the Police in review or summary review proceedings) reports shall be prepared and presented as confidential so that the Committee can make a meaningful determination in accordance with Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 to exclude the press and public. It is important to note that reports presenting Licensing Act 2003 matters are not required to be published in advance. However, certain limited information must be published in accordance with the Licensing Act 2003 (Licensing Authority’s Register) (Other Information) Regulations 2005 and section 8 of the Licensing Act 2003.
13. The Chair will then explain the procedure that will follow.

General information on the conduct of the hearing

14. Each party is entitled to:
- (a) Give further information in response to any point that the Council told them before the hearing they would like clarified;
 - (b) With the permission of the Chair, seek clarification on any point by any other party;
 - (c) Address the Sub-Committee.
15. Members of the Sub-Committee may also seek clarification of any party or witness.
16. At the Chair’s discretion, the Sub-Committee’s legal advisor may ask any questions he or she thinks are relevant.

17. Unless the Council has requested in advance that a particular point be clarified, new documentary or other evidence may not be submitted for the first time at the hearing, unless all the other parties agree.
18. Members of the Sub-Committee will have read all the papers included in the agenda for the hearing before the hearing starts. The parties are requested not to spend unnecessary time repeating evidence which is already in the papers and which is not disputed.
19. Evidence that is not relevant to the case, or to the promotion of the four licensing objectives, will be disregarded.

Hearing Procedure

20. If any party has asked permission for a witness or witnesses to appear, the Sub-Committee will decide whether they should be heard (see paragraph 10 above).
21. All parties will be allowed a similar (and maximum) amount of time to put their case, and ask questions of other parties, subject to the Chair's discretion to not hear repetitive matters or questions.

The applicant

22. The applicant for the licence (or their representative) or the applicant in review proceedings, may present their case.
23. If the Sub-Committee permits, the applicant may call those witnesses whose names have been provided in advance to support their application.
24. Where a group of witnesses wish to speak in support of the application for similar reasons, one person should, where possible, act as spokesperson for the whole group. The Sub-Committee may reasonably refuse permission for a witness to be heard if their evidence simply repeats points already made.
25. The Chair will invite those making representations to seek clarification on any point made by the applicant. The Chair will decide in which order those making representations will be invited to put their questions.
26. Members of the Sub-Committee or the Legal Advisor, if so permitted by the Chair, may also seek clarification of the applicant or any of their witnesses.

The representations

27. Where there is more than one person making a representation, the Chair will decide the order in which they may put their case. If there is a representation from one or more of the responsible authorities, their representatives will normally be invited to put their case first.
28. The following procedure will apply to each person making a representation in turn:-
 - (a) The person making a representation (or their representative) may present their case.
 - (b) If the Sub-Committee permits, the person making a representation may call those witnesses whose names have been provided in advance to support their objection.
 - (c) Where a group of witnesses wish to speak in support of the objection for similar reasons, where possible, one person should act as spokesperson for the whole group. The Sub-Committee may reasonably refuse permission for a witness to be heard if their evidence simply repeats points already made.

- (d) The Chair will invite the applicant to seek clarification on any points made by those making representations.
- (e) Members of the Sub-Committee or the Legal Advisor, if so permitted by the Chair, may seek clarification of those making representations or any witnesses.

Summing up

29. The Chair will invite each person making a representation to make a final statement or sum up their case.

30. The Chair will invite the applicant to make a final statement or sum up their case.

Sub-Committee's decision

31.

- (a) At the end of the hearing the Sub-Committee will move to private session whilst it considers the matter.
- (b) The Sub-Committee's legal advisor will remain to provide legal advice and the democratic services officer will remain to record the decision. Details of any legal advice will be recorded and referenced in the decision and reasons.
- (c) The parties will be invited to wait to be informed of the outcome.
- (d) As soon as the decision is reached, the public and press will be invited to return to the room in which the hearing took place, and the Chair will announce the decision and the reasons for it.
- (e) If a room is available, the Committee may retire to deliberate and make its decision
- (f) All parties will be formally notified in writing of the decision and reasons as soon as possible.

In most cases the Sub-Committee will announce the decision at the conclusion of the hearing. In certain cases where this is not possible due to time constraints (and the Hearings Regulations permit – Regulation 26 (1) sets out those hearings where delay is not possible) the decision shall be made within 5 working days beginning with the day of the hearing or the last day of the hearing.

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