

Licensing (Licensing and Gambling) Sub-Committee

Wednesday, 13th 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
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Executive Director Communities, Culture & Homes
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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 **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.

6 **APPLICATION FOR VARIATION OF PREMISES LICENCE - ONE OXFORD, 1 OXFORD STREET, SOUTHAMPTON SO14 3DJ** (Pages 1 - 52)

Tuesday, 5 October 2021

Executive Director Communities, Culture & Homes

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Agenda Item 6

DECISION-MAKER LICENSING (LICENSING & GAMBLING) SUB COMMITTEE

SUBJECT HEARING TO CONSIDER AN APPLICATION FOR VARIATION OF A PREMISES LICENCE – **One Oxford 1 Oxford Street Southampton SO14 3DJ**

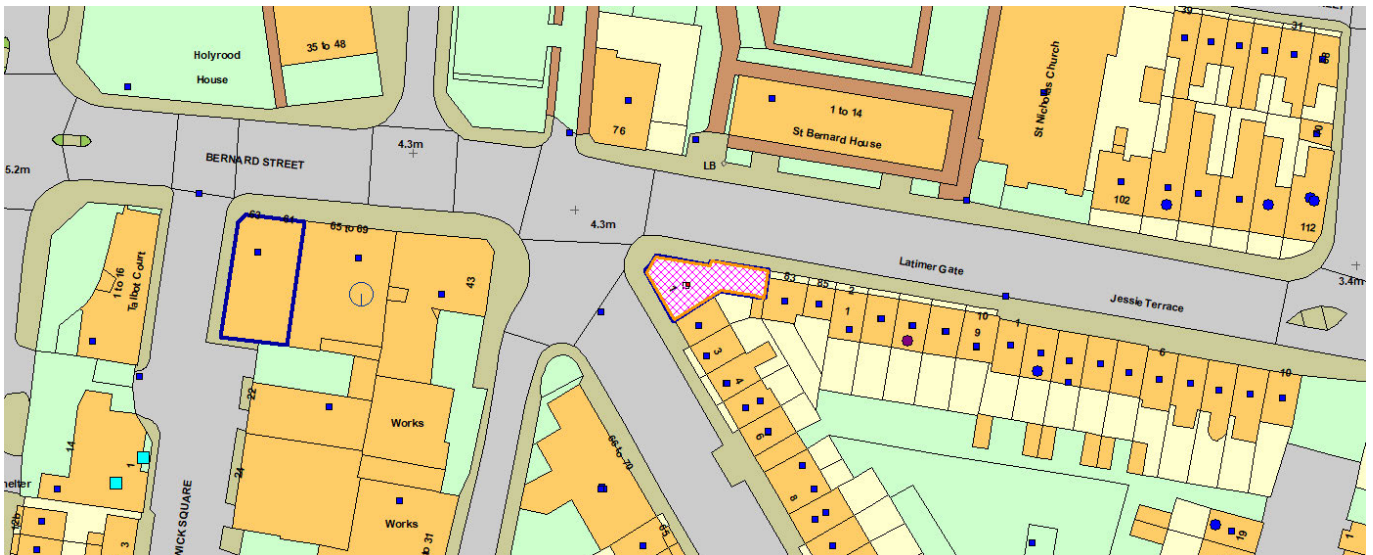
DATE OF HEARING 13th October 2021 16.00 hrs

REPORT OF SERVICE DIRECTOR – COMMUNITIES,CULTURE AND HOMES

E-mail licensing@southampton.gov.uk

Application Date : 19th August 2021 Application Received 19th August 2021

Application Valid : 20th August 2021 Reference : **2021/02600/01SPRV**



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Representations from Responsible Authorities

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

Building Control	No Response	
Public Health Manager	No Response	
Police - Licensing	No Response	
Trading Standards	No Response	
Other Representations		
Name	Address	Contributor Type
Mr Colin Beaven	5 Oxford Mews Latimer Street Southampton SO14 3EE	Resident
Ms. Victoria Finney	5 Oxford Street Southampton SO14 3DJ	Resident
Mr. Duncan Russell	12 Oxford Street Southampton SO14 3DJ	Resident
Dr A Tiropanis	9A Oxford Street Southampton SO14 3DJ	Resident
Mr Daniel Hope	10 Oxford Street Southampton SO14 3DJ	Resident

Legal Implications

The legislation specifically restricts the grounds on which the sub-committee may refuse an application for variation of a premises licence or impose conditions. The legislation provides for a presumption of grant of an application for variation of 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 variation 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 upon 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 affects 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 variation 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 variation of the licence which was granted on 7 January 2021. The applicant is requesting to extend the licensable area to include the first floor of the premises and include pavement area outside. The applicant has also requested to extend the licensable hours of retail of alcohol, recorded music and late night refreshment and to add off sales.

Applicant	Sonia Hotels & Leisure Ltd.
Designated Premises Supervisor	Annenilan Arulgnanseelan

Licensable Activities.

Live music	
Monday	12:00 - 23:00
Tuesday	12:00 - 23:00
Wednesday	12:00 - 23:00
Thursday	12:00 - 23:00
Friday	12:00 - 23:00
Saturday	12:00 - 23:00
Sunday	12:00 - 23:00
Recorded music	
Monday	12:00 - 00:30
Tuesday	12:00 - 00:30
Wednesday	12:00 - 00:30
Thursday	12:00 - 01:00
Friday	12:00 - 01:00
Saturday	12:00 - 01:00
Sunday	12:00 - 00:00
Performances of dance	
Monday	12:00 - 23:00
Tuesday	12:00 - 23:00
Wednesday	12:00 - 23:00
Thursday	12:00 - 23:00
Friday	12:00 - 23:00
Saturday	12:00 - 23:00
Sunday	12:00 - 23:00
Provision of late night refreshment	
Monday	23:00 - 00:30
Tuesday	23:00 - 00:30
Wednesday	23:00 - 00:30
Thursday	23:00 - 00:30
Friday	23:00 - 00:30
Saturday	23:00 - 00:30
Sunday	23:00 - 00:30

Supply by retail of alcohol

Monday	12:00 - 01:00
Tuesday	12:00 - 01:00
Wednesday	12:00 - 01:00
Thursday	12:00 - 01:00
Friday	12:00 - 01:00
Saturday	12:00 - 01:00
Sunday	12:00 - 00:00

The applicant has agreed noise conditions with Environmental Health. There are 5 Public Representations.

Included in Report

Application

Plan – First Floor Area

Plan – To include outside tables

Additional Evidence from Applicant

Current Licence

Environmental Health – Agreed Conditions

5 Public Representations

SOUTHAMPTON AND EASTLEIGH LICENSING PARTNERSHIP
Application to vary a premises licence 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 Sonia Hotels & Leisure Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 2021/01496/01SPRD

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 1 OXFORD STREET			
Post town	SOUTHAMPTON	Postcode	SO14 3DJ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	££20,250.00

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

- 1. We would like to extend our premises license to include the pavement and the first floor. The first floor was previously used as a secondary bar & restaurant seating.
- 2. We would like the premises to also include off license.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

0

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3)

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 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Wed					
Thur			<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 7)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Wed					
Thur			<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 7)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
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 7)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Wed					
Thur			<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 7)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u> As existing license, live jazz type music will be offered. Saxophonist, Violinist etc. <u>State any seasonal variations for the performance of live music (please read guidance note 6)</u> <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 (please read guidance note 7)</u>		
Mon	12:00	23:00			
Tue	12:00	23:00			
Wed	12:00	23:00			
Thur	12:00	23:00			
Fri	12:00	23:00			
Sat	12:00	23:00			
Sun	12:00	23:00			

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5) The music will be DJ provided music on some nights and on other nights played via our playlists. <u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6) <u>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</u> (please read guidance note 7)		
Mon	12:00	00:30			
Tue	12:00	00:30			
Wed	12:00	00:30			
Thur	12:00	01:00			
Fri	12:00	01:00			
Sat	12:00	01:00			
Sun	12:00	00:00			

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5) There will on some occasions be ethnic type dancing, ie: Belly dancing. <u>State any seasonal variations for the performance of dance</u> (please read guidance note 6) <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 7)		
Mon	12:00	23:00			
Tue	12:00	23:00			
Wed	12:00	23:00			
Thur	12:00	23:00			
Fri	12:00	23:00			
Sat	12:00	23:00			
Sun	12:00	23:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 5)		
Wed					
Thur					
Fri			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Sat					
Sun			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 (please read guidance note 7)		

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5) Hot meals will not be provided after 00:30 although hot beverages will still be available.		
Mon	23:00	00:30			
Tue	23:00	00:30			
Wed	23:00	00:30			
Thur	23:00	00:30			
Fri	23:00	00:30			
Sat	23:00	00:30			
Sun	23:00	00:30			
			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
			<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 7)		

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6) 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 7)		
Mon	12:00	01:00			
Tue	12:00	01:00			
Wed	12:00	01:00			
Thur	12:00	01:00			
Fri	12:00	01:00			
Sat	12:00	01:00			
Sun	12:00	00:00			

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 10).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	12:00	01:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Tue	12:00	01:00	
Wed	12:00	01:00	
Thur	12:00	01:00	
Fri	12:00	01:00	
Sat	12:00	01:00	
Sun	12:00	00:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.



M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

1. The Premises Licence Holder shall ensure that all staff employed at the premises whose duties include the sale or supply of alcohol shall undertake and complete a relevant programme of internal training prior to them being authorised to sell or supply alcohol.
2. The premises licence guidance manual will be the basis of alcohol sales training.
3. Records of the training programme shall be maintained and made available to Authorised Officers upon request.
4. The Premises Licence holder shall provide a “refresher” training session to all relevant staff members as and when deemed necessary on a case by case evaluation, but as a minimum requirement the refresher training session shall be provided to all staff on at least one occasion every twelve months.
5. The CCTV policy shall incorporate the following basic requirements:
 - Be switched on and fully operational when the licensable activities are being carried out.
 - Record for a minimum rolling period of 31 days
 - Have a camera covering any entrance which will provide a facial shot of identification quality.
 - Have a means of copying any footage to another medium as evidence if requested by the Police
6. All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years and is seeking to purchase alcohol for consumption on/off the premises. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo.
7. A refusal log will be kept and maintained to record the refusal of alcohol beverages to underage or intoxicated persons. The details collated will include a description of the individual refused, the date and time, the details of the product refused, the reason for refusal and the name of the staff member
8. An incident log will be kept to record instances of crime, disorder or nuisance on the premises. The headings will include details of the incident, whether the emergency services were called, the date/time of the incidents and the staff members name who recorded the details.
9. No disposal of waste bottles into external waste receptacles between 23.00 & 08.00 hours.
10. Any Beer or cider offered in the premises will be limited to 6% ABV.
11. A SIA registered door supervisor will be on duty on the premises from 21.00 hours until the premises closes for business. The door supervisor will control the number of patrons wishing to enter the premises to approved capacity limit as detailed within the fire risk assessment and will not permit customers with unconsumed alcohol to leave the premises.
12. Prominent, clear notices shall be displayed at all exit points to advise customers to respect the needs of the local community and of acceptable behaviour in public spaces when leaving the premises.
13. A dispersal plan will be drawn up to manage patrons leaving the premises prior to the terminal hour.

b) The prevention of crime and disorder

1. The Premises Licence holder shall provide a “refresher” training session to all relevant staff members as and when deemed necessary on a case by case evaluation, but as a minimum requirement the refresher training session shall be provided to all staff on at least one occasion every twelve months.
2. The CCTV policy shall incorporate the following basic requirements:
 - Be switched on and fully operational when the licensable activities are being carried out.

- Record for a minimum rolling period of 31 days
 - Have a camera covering any entrance which will provide a facial shot of identification quality.
 - Have a means of copying any footage to another medium as evidence if requested by the Police
3. All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years and is seeking to purchase alcohol for consumption on/off the premises. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo.
4. An incident log will be kept to record instances of crime, disorder or nuisance on the premises. The headings will include details of the incident, whether the emergency services were called, the date/time of the incidents and the staff members name who recorded the details.
5. Any Beer or cider offered in the premises will be limited to 6% ABV.
6. A SIA registered door supervisor will be on duty on the premises from 21.00 hours until the premises closes for business .The door supervisor will control the number of patrons wishing to enter the premises to approved capacity limit as detailed within the fire risk assessment and will not permit customers with unconsumed alcohol to leave the premises.

c) Public safety

1. The CCTV policy shall incorporate the following basic requirements:
- Be switched on and fully operational when the licensable activities are being carried out.
 - Record for a minimum rolling period of 31 days
 - Have a camera covering any entrance which will provide a facial shot of identification quality.
 - Have a means of copying any footage to another medium as evidence if requested by the Police
2. All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years and is seeking to purchase alcohol for consumption on/off the premises. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo.
3. An incident log will be kept to record instances of crime, disorder or nuisance on the premises. The headings will include details of the incident, whether the emergency services were called, the date/time of the incidents and the staff members name who recorded the details.
4. A SIA registered door supervisor will be on duty on the premises from 21.00 hours until the premises closes for business .The door supervisor will control the number of patrons wishing to enter the premises to approved capacity limit as detailed within the fire risk assessment and will not permit customers with unconsumed alcohol to leave the premises.
5. A dispersal plan will be drawn up to manage patrons leaving the premises prior to the terminal hour.

d) The prevention of public nuisance

1. An incident log will be kept to record instances of crime, disorder or nuisance on the premises. The headings will include details of the incident, whether the emergency services were called, the date/time of the incidents and the staff members name who recorded the details.
2. No disposal of waste bottles into external waste receptacles between 23.00 & 08.00 hours.
3. Prominent, clear notices shall be displayed at all exit points to advise customers to respect the needs of the local community and of acceptable behaviour in public spaces when leaving the premises.
4. A dispersal plan will be drawn up to manage patrons leaving the premises prior to the terminal hour.

e) The protection of children from harm

1. The Premises Licence Holder shall ensure that all staff employed at the premises whose duties include the sale or supply of alcohol shall undertake and complete a relevant programme of internal training prior to them being authorised to sell or supply alcohol.
2. The premises licence guidance manual will be the basis of alcohol sales training.
3. Records of the training programme shall be maintained and made available to Authorised Officers upon request.
4. The Premises Licence holder shall provide a “refresher” training session to all relevant staff members as and when deemed necessary on a case by case evaluation, but as a minimum requirement the refresher training session shall be provided to all staff on at least one occasion every twelve months.
5. All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years and is seeking to purchase alcohol for consumption on/off the premises. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo.
6. A refusal log will be kept and maintained to record the refusal of alcohol beverages to underage or intoxicated persons. The details collated will include a description of the individual refused, the date and time, the details of the product refused, the reason for refusal and the name of the staff member

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

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.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	[REDACTED]
Date	19/08/21
Capacity	DIRECTOR

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

SONIA KANDA
1 OXFORD STREET

Post town	SOUTHAMPTON	Post code	SO14 3DJ
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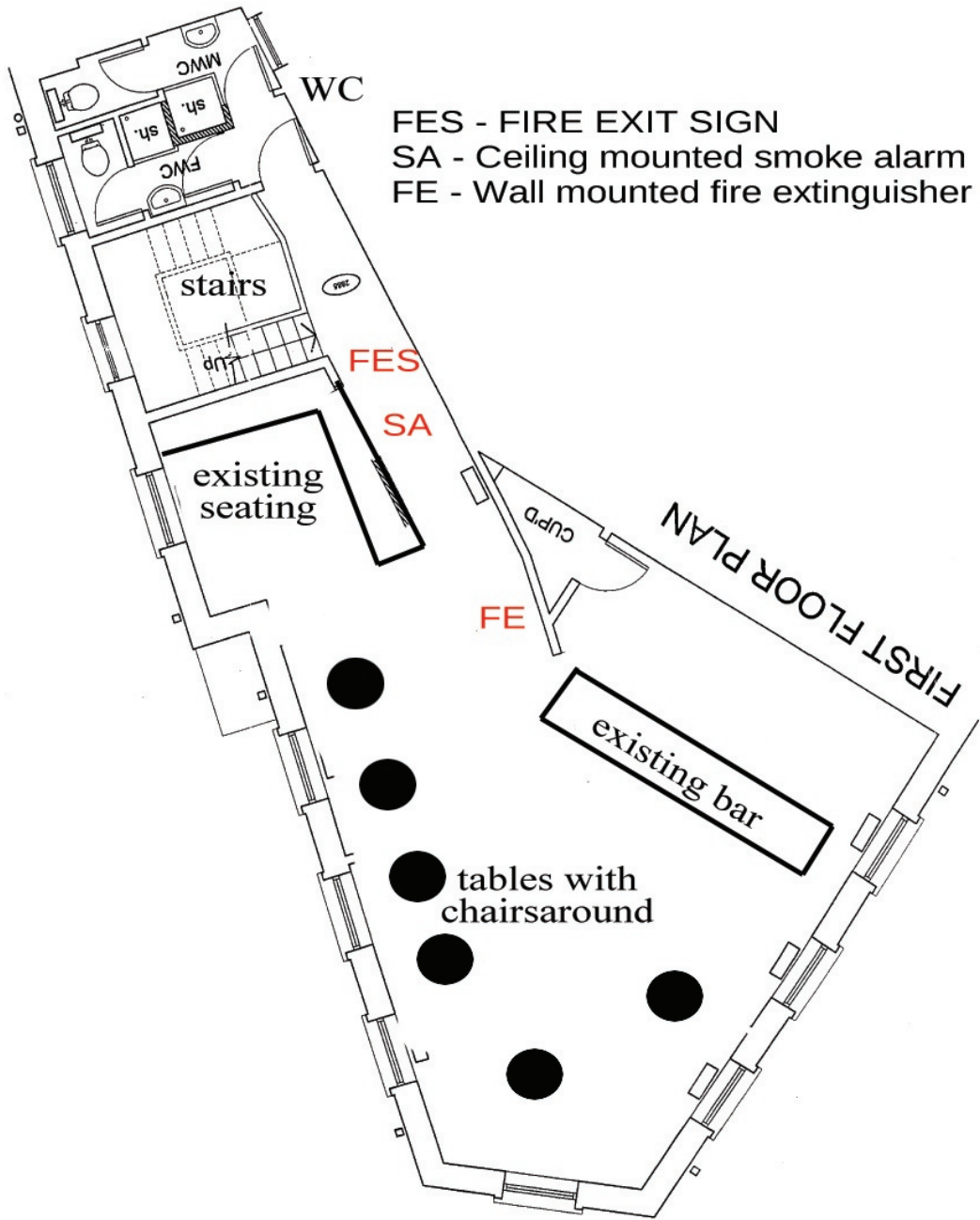
Telephone number (if any)	
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If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

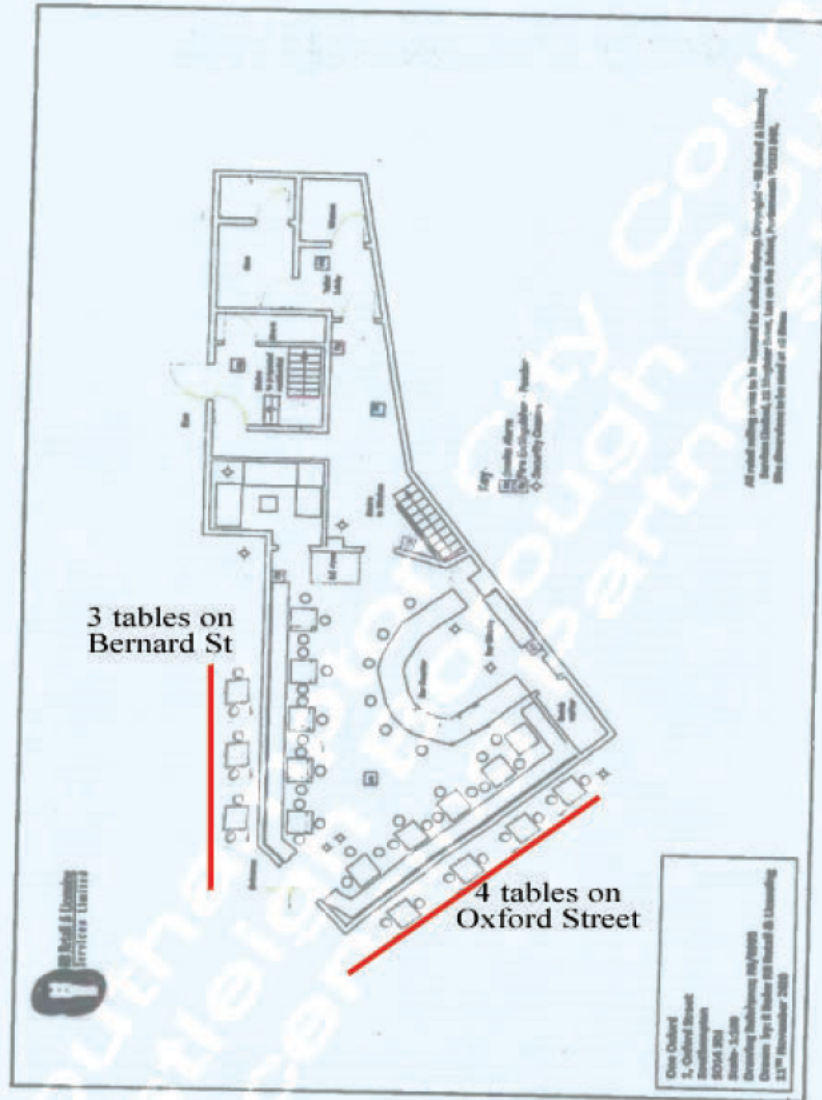
[REDACTED]

Privacy statement

The Council is collecting this information in order to perform this service or function, and if further



Annex 4 – Plans



Plan not reproduced to scale.

1534062.docx

From: publicaccess@southampton.gov.uk
To: [Licensing](#)
Subject: Comments for Licensing Application 2021/02600/01SPRV
Date: 29 August 2021 22:25:54

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 10:26 PM on 29 Aug 2021 from Mr Inesh Rai.

Application Summary

Address: 1 Oxford Street Southampton SO14 3DJ

Proposal: Premises Licence - Variation

Case Officer: Tricia Young

[Click for further information](#)

Customer Details

Name: Mr Inesh Rai

Email: [REDACTED]

Address: 1 Oxford Street, Southampton SO14 3DJ

Comments Details

Commenter Type: Other

Stance: Customer made comments in support of the Licensing Application

Reasons for comment:

Comments: 10:26 PM on 29 Aug 2021 Request to everyone who may have an objection to read this please.

When we initially applied for a premises license, many people were under the impression we are opening a pub with ladies dancing on tables.

This is not true!

We are a lounge offering table service. We would request anyone to come and visit the lounge and see the type of guests we entertain.

We offer great cocktails and Champagne. Many people book tables at our venue to celebrate their birthdays and anniversaries.

We play great music and attract many elderly people too who just want to come and enjoy good music.

On our website and throughout the venue we request all guests to leave our premises quietly so our neighbours are not disturbed.

Please have a look at our Facebook and Instagram pages (one Oxford). See the wonderful comments and reviews left by guests.

We do not blast our music, a limit is set.

Thank you
I. Rai



**Schedule 12
Part A
Premises Licence**

Regulation 33,34

Premises licence number	2021/01496/01SPRD
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Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description, One Oxford 1 Oxford Street Southampton SO14 3DJ

Telephone number

Where the licence is time limited the dates Not applicable
--

Licensable activities authorised by the licence Live music Recorded music Performances of dance Provision of late night refreshment Supply by retail of alcohol

The times the licence authorises the carrying out of licensable activities	
Live music	
Monday	12:00 - 23:00
Tuesday	12:00 - 23:00
Wednesday	12:00 - 23:00
Thursday	12:00 - 23:00
Friday	12:00 - 23:00
Saturday	12:00 - 23:00
Sunday	12:00 - 23:00
Recorded music	
Monday	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 00:00
Saturday	12:00 - 00:00
Sunday	12:00 - 00:00

Performances of dance

Monday	12:00 - 23:00
Tuesday	12:00 - 23:00
Wednesday	12:00 - 23:00
Thursday	12:00 - 23:00
Friday	12:00 - 23:00
Saturday	12:00 - 23:00
Sunday	12:00 - 23:00

Provision of late night refreshment

Monday	23:00 - 00:00
Tuesday	23:00 - 00:00
Wednesday	23:00 - 00:00
Thursday	23:00 - 00:00
Friday	23:00 - 00:00
Saturday	23:00 - 00:00
Sunday	23:00 - 00:00



Supply by retail of alcohol

Monday	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 00:00
Saturday	12:00 - 00:00
Sunday	12:00 - 00:00



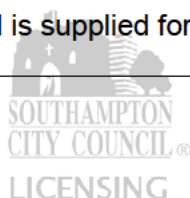
The opening hours of the premises

Monday	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 00:00
Saturday	12:00 - 00:00
Sunday	12:00 - 00:00



Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption on the premises



Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Sonia Hotels & Leisure Ltd.
1 Oxford Street
Southampton
SO14 3DJ



Registered number of holder, for example company number, charity number (where applicable)

12255598

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Annenilan Arulgnanseelan



Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence Number: 2021/03673/02SPEN

Licensing Authority: Southampton City Council

This premises licence is issued by Southampton City Council as licensing authority under part 3 of the Licensing Act 2003 and regulations made thereunder

Dated this 27th day of May 2021;



Licensing Manager

Southampton & Eastleigh Licensing Partnership
PO Box 1767
Southampton
SO18 9LA



Annex 1 – Mandatory Conditions

1 No supply of alcohol shall be made under the premises licence:

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor for the premises does not hold a personal licence or his personal licence is suspended.

2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

6 The responsible person must ensure that

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7 1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2 For the purposes of the condition set out in paragraph 1 —

(a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) 'permitted price' is the price found by applying the formula —

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence —

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) 'value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

3 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ('the first day') would be different from the permitted price on the next day ('the second day') as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.



Annex 2 – Conditions consistent with the operating Schedule

1 Bottle Disposal

No disposal of waste bottles into external waste receptacles between 23.00 and 08.00 hours.

2 Notices

Prominent, clear notices shall be displayed at all exit points to advise customers to think of local residents and leave the premises quietly.

3 Alcohol

Any Beer or Cider offered in the premises will be limited to 6% ABV

4 Refusal/Incident Log

The premises licence holder shall ensure that a refusal book/incident log is maintained at the premises. These records shall be retained for a minimum of 1 year and be made available to the Police and other responsible authorities upon request.

5 Training

A training package shall be in place in order for all staff involved with the sale or supply of alcohol to be sufficiently trained in licensing matters proportionate to their role and aware of their responsibilities. Particular attention should be paid to underage sales/ID verification, the refusal of alcohol sales to drunk persons, proxy sales and identifying potentially vulnerable persons. Records shall be kept of this training, dated and signed by the staff member and trainer for a minimum of 12 months. This training must be made available for inspection by the Police and other responsible authorities. A written record shall be retained at each bar to show the staff that have been authorised to sell alcohol. This shall also be made available to the Police and other responsible authorities on request.

6 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 12 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 advertising that CCTV is in operation.

An additional recording CCTV camera shall be installed and fully operational while the venue is open to the public to cover the area immediately outside 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 the equipment is installed and that this is cascaded down to all nominated staff.

Have a simple operators 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 GDPR.

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. The Police will supply a 24 hour contact number for reporting such faults.

The premises licence holder will ensure that a CCTV system is fully compliant with the guidance contained in the Information Commissioners Office (ICO). Guidance document (www.informationcommissioner.gov.uk) regarding installation of the CCTV is provided at the premises.

7 Age Verification

The premises licence holder shall ensure that a system is in place to ensure that every individual who appears to be under 25 years of age seeking to purchase or be supplied with alcohol at or from the premises, shall produce acceptable means of identification and age confirmation. Acceptable identification shall be a passport, photo driving licence or PASS accredited photo ID. 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.

8 SIA Security

The premises licence holder shall ensure that a minimum of one (1) Security Industry Authority (SIA) registered staff will be on duty at the premises from 21.00 hours to close on Thursday, Friday and Saturday evenings.

In addition, the duty manager should make a dynamic risk assessment of the premises circumstances at the venue and the number of SIA Door Supervisors increased where circumstances dictate. (general example but numbers, days and times to fit requirements). SIA staff will remind patrons to leave the vicinity quickly and quietly.

Annex 3 – Conditions attached after a hearing by the licensing authority

1 None



From: [Jeffery, Elaine](#)
To: [Licensing](#)
Subject: FW: Variation 1 Oxford Street
Date: 16 September 2021 07:43:14

Good Morning Licensing,
please see below from the applicant for 1 Oxford Street that they agree to conditions asked for by Environmental Health. As such Environmental Health are satisfied that a hearing will not be required.

Kind regards

Elaine

Elaine Jeffery

Principal Environmental Health Officer

Environmental Health Services

Southampton City Council

From: Oxford Street [REDACTED] >

Sent: 15 September 2021 21:54

To: Jeffery, Elaine [REDACTED] >

Subject: Re: Variation 1 Oxford Street

Good Evening Elaine

Thank you for your email.

I agree to all your terms.

Thank you

Regards

Sonia

On Wed, 15 Sep 2021, 19:35 Jeffery, Elaine, [REDACTED] wrote:

Good Evening

With regard to your application to vary your premises licence; there are one or two points that I would like to review and agree with you as to remove the need for a hearing;

1. Hours for emptying glass and bottles should not occur between 21.00 and 09.00 hours - rather than 23.00 and 08.00 hours stated
2. Use of the external tables and chairs should cease at 23.00 hours or earlier if required by other agencies/consultees
3. External doors and windows to be closed at 21.00 hours when live or recorded music are offered as entertainment, and remain closed throughout the performance except for access and egress. Sound levels emanating from the premises will be such that they cannot be heard at nuisance level at the boundary of the nearest noise sensitive premises
4. Performance of dance will be indoors only

Please confirm if you agree with these points

Kind regards

Elaine Jeffery

Principal Environmental Health Officer

Environmental Health Services

Southampton City Council

From: publicaccess@southampton.gov.uk
To: [Licensing](#)
Subject: Comments for Licensing Application 2021/02600/01SPRV
Date: 27 August 2021 18:03:08

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 6:03 PM on 27 Aug 2021 from Mr Colin Beaven.

Application Summary

Address: 1 Oxford Street Southampton SO14 3DJ

Proposal: Premises Licence - Variation

Case Officer: Tricia Young

[Click for further information](#)

Customer Details

Name: Mr Colin Beaven

Email: [REDACTED]

Address: 5 Oxford Mews, Latimer Street, Southampton SO14 3EE

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 6:03 PM on 27 Aug 2021

I object to the proposed extension in opening hours. Please note that this extension is not referred to in the summary on page 2 of the form. The summary only requests extending the licence to the first floor, outside seating, and off sales. But the schedule of hours later in the form specifies sale of alcohol and playing recorded music till 1 a.m., so the form as it stands is misleading.

When the original application for a licence was made last winter the committee decided, after extensive deliberations following numerous representations from neighbours, that midnight should be the limit. The reason for those representations and that decision have not changed. The proposal should be refused.

From: [Colin Beaven](#)
To: [Head, Karen](#)
Subject: Re: Application to Vary a Premises Licence ref 2021/02600/01SPRV – One Oxford 1 Oxford Street
Southampton SO14 3DJ
Date: 02 September 2021 16:05:44

Dear Ms Head,

Many thanks for getting in touch regarding my comments about this application to vary a licence, and for clarifying the parameters so helpfully.

I've reformulated my concerns and tried to post them on the web. Sadly it didn't work; I received a message that there was 'an error in the system'. Perhaps you could add them to the case file manually to resolve this? I've appended the revised text below.

Do I assume that you've removed my previous version, incidentally? I couldn't locate it.

With best wishes

Colin Beaven

Representation:

The proposed extension of the premises' operating hours appears to warrant objections with regard to the two criteria of public safety and the prevention of public nuisance.

These two areas of concern are echoed in the licensing committee's decision about the original application back in January. To quote from that adjudication: 'The Sub-Committee does not consider it would be appropriate or proportionate to refuse the application in whole on the basis of these objections but feel it would be proportionate to limit the hours as set out above. This is a proportionate means of meeting the licensing objectives of prevention of public nuisance and public safety.'

To clarify (and quote again), the sub-committee noted objections referring to 'concerns as to noise disturbance from the premises including, but not limited to, recorded music within the premises and from smokers outside the premises. Concerns were also raised about public nuisance and safety late at night.'

(Operating hours were limited to 23.00 for live music and dancing, and 00.00 as closing time.)

All the concerns presented to the committee at the time of the decision still apply.

Discussions at the hearing established that the premises would have no control over smokers who congregate immediately outside the building. That patrons' behaviour when they smoke often constitutes a public nuisance can be confirmed outside other bars in the vicinity.

Similarly, a participant who had experience in the sector made the point that midnight is a watershed after which patrons' behaviour deteriorates markedly and abruptly. So while operations post-midnight generate critical concerns about public safety, their impact is

simultaneously exacerbated as a public nuisance. That's because, to put it crudely, a noise that isn't a public nuisance pre-midnight is one post-midnight because people are trying to sleep.

The operator is to be congratulated on bringing a wonderful venue to life, and on formulating aspirations about the positive contribution he hopes it will make. But that is quite distinct from the issues of public nuisance and safety to which the licensing committee paid due regard in the decision it reached in January. In short, the hours agreed then should be maintained.

On 31 August 2021 at 10:20 "Head, Karen"
[REDACTED] wrote:

Dear Mr. Beaven,

Application to Vary a Premises Licence ref 2021/02600/01SPRV – One Oxford 1 Oxford Street Southampton SO14 3DJ

I refer to your recent correspondence to make representation to the above application under the Licensing Act 2003. Having carefully considered your communication, it does not appear to be a “relevant representation,” within the meaning of the Act. Only representations that relate to at least one of the four licensing objectives can be considered. The statutory licensing objectives are:

- <!--[endif]-->The prevention of crime and disorder
- <!--[endif]-->Public safety
- <!--[endif]-->The prevention of public nuisance
- <!--[endif]-->The protection of children from harm

In the circumstances, unless you can provide further information to clarify the position by the 17th September 2021, I am unable to accept your comments as a representation which is capable of being considered by the Council in determining this application.

4. Please see a link to our web site on how to make a valid representation.
5. <http://www.southampton.gov.uk/business-licensing/licensing/licensing-act-2003/la03-reps.aspx>

Kind Regards

Karen Head

Licensing Enforcement Officer

Southampton and Eastleigh Licensing Partnership

Southampton City Council

E-mail: licensing@southampton.gov.uk

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

From: [Daniel Hope](#)
To: [Licensing](#)
Subject: Objection to 2021/02600/01SPRV
Date: 02 September 2021 10:44:51

Hello,

I tried to submit my objection to premises variation 2021/02600/01SPRV (1 Oxford Street) online but the system shows an error. Can you please register my objection

My details are:
Daniel Hope
10 Oxford Street
Southampton
SO14 3DJ

Commenter Type: Neighbour
Stance: Objects

Thanks,

Daniel

I object to the licensing variation on the following grounds: the prevention of crime and disorder, public safety, the prevention of public nuisance, the protection of children from harm

It is disappointing to see this application for a variation that attempts to sneak through an extension of opening hours. Especially seeing this was discussed at length recently at the last licensing sub committee hearing and how detrimental it would be to the amenity of the local residents. The premises sits a long way from the other pubs in the area, surrounded exclusively by residential properties. Any extension of opening hours would have a large impact on local residents.

We have seen an increase in late night violence in Oxford Street and this is directly linked to later opening hours. We see fights on our doorstep and we often have to call the emergency services. In addition we see general anti-social behaviour such as urination on the entrances to our properties. This behaviour happens almost exclusively after 12am.

Any outside seating would significantly reduce the amenity of local residents due to the amount of noise that patrons make and people standing outside smoking.

I note that no updated plan has been submitted to show the adjustment in licenced area so it is difficult to precisely comment on the boundaries. I believe this is a statutory requirement under The Licensing Act 2003. The lack of plan raises two potential issues:

- the internal layout of the building allows direct access to and from the apartment above the premises. Guests are free to come and go between these, including children and visitors
- the outside seating area has not been defined and I suspect this is going to be in breach of disability requirements and force people to walk on the road and not provide sufficient non-smoking space

The area on Bernard Street outside the premises is unsuitable for seating as it is currently used as a bus stop and the rest of the space is required by planning to be used for rubbish shelter (yet to be built)

The Oxford Street side of the building is too narrow to provide practical seating without causing a public safety issue. The location of the street lighting pole near the centre of the footpath means that pedestrians will struggle to pass without walking on the road. National guidance requires that 1.5 metres of clear space exist on the footpath to allow for disabled access and that any outdoor area should be demarked by a straight line barrier to assist blind pedestrians. The space available between the street lighting pole and the wall of the premises is insufficient.

From: publicaccess@southampton.gov.uk
To: [Licensing](#)
Subject: Comments for Licensing Application 2021/02600/01SPRV
Date: 02 September 2021 10:44:23

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 10:44 AM on 02 Sep 2021 from Mr Daniel Hope.

Application Summary

Address: 1 Oxford Street Southampton SO14 3DJ

Proposal: Premises Licence - Variation

Case Officer: Tricia Young

[Click for further information](#)

Customer Details

Name: Mr Daniel Hope

Email: [REDACTED]

Address: 10 Oxford Street, Southampton SO14 3DJ

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 10:44 AM on 02 Sep 2021 I object to the licensing variation on the following grounds, the prevention of crime and disorder, public safety, the prevention of public nuisance, the protection of children from harm

It is dissappointing to see this application for a variation that attempts to sneak through an extension of opening hours. Especially seeing this was discused at length recently at the last licensing sub comittee hearing and how detremental it would be the amenity of the local residents. The premises sits a long way from the other pubs in the area, surrounded exclusively by residential properties. Any extension of opening hours would have a large impact on local residents.

Objection continues on email due to online form restriction

From: publicaccess@southampton.gov.uk
To: [Licensing](#)
Subject: Comments for Licensing Application 2021/02600/01SPRV
Date: 03 September 2021 11:34:11

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 11:34 AM on 03 Sep 2021 from Dr A Tiropanis.

Application Summary

Address: 1 Oxford Street Southampton SO14 3DJ

Proposal: Premises Licence - Variation

Case Officer: Tricia Young

[Click for further information](#)

Customer Details

Name: Dr A Tiropanis

Email: [REDACTED]

Address: 9A Oxford Street, Southampton SO14 3DJ

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 11:34 AM on 03 Sep 2021 I object to the license variation on grounds of prevention of public nuisance and prevention of disorder.

The issue of a late license was discussed in January 2021 and representations were made - it is not clear to me why the new application.

My concerns stand as the prevention of public nuisance after midnight in this residential end of Oxford Street are beyond the control of the applicant and the proposed measures.

12 Oxford Street
Southampton,
SO14 3DJ.
2nd September 2021

Licensing Enforcement Officer
Legal, HR and Democratic Services
Southampton and Eastleigh Licensing Partnership
Southampton City Council

[REDACTED]
[REDACTED]
[REDACTED]

Re: 1 Oxford Street Licence Application
Ref : 2021/02600/01SPRV

I would like to make a representation regarding the proposed extension of license hours at No. 1 Oxford Street. (2021/02600/01SPRV)

My representation is based upon the following concerns:-

1. The prevention of crime and disorder;

Oxford Street is a residential area with restaurants. We have lived at number 12 Oxford Street since 1997 and noticed a significant increase in noise and disorder in recent years. Most weekends we are now woken up noisy drunken shouting after between midnight and 5 am. Having to close windows on hot summer nights in a vain attempt to keep out the noise. I fear a further increase in disorder if 1 Oxford Street were granted a licence for music and dancing and sale of alcohol until 01:30.

2. The prevention of public nuisance

In recent years there has been a continued increase in public nuisance, from noise and bad language, and bottles and glasses left on our steps. A pregnant friend recently slipped and fell on vomit on our steps and on the pavement. It would seem inevitable that all these will increase with the extension of hours at 1 Oxford Street.

The premises of 1 Oxford Street is surrounded by residential addresses on both sides and opposite. No other premises in Oxford Street has such a late licence and it seems wholly inappropriate and totally unacceptable in a residential area.



Dr Duncan Russell



From: [REDACTED]
To: [Licensing](#)
Subject: Licensing application ref: 2021/02600/01SPRV.
Date: 09 September 2021 10:46:51

I would like to add my comments to the licensing application for the premises at 1 Oxford Street, Southampton to extend it's opening hours until 1.30am. (Your website for adding comments is down at the moment.)

My name is Victoria Finney and I live at 5 Oxford Street, Southampton. SO14 3DJ. So obviously, I am a close neighbour to these premises and I object to this application.

I am very concerned about the public nuisance caused by customers leaving at this early hour of the morning in the midst of what is otherwise a residential area. There will be noise from cars and taxis and people who have been drinking for some hours. If they plan to put chairs/tables outside this will cause an extra disturbance in the small hours of the morning. Voices and cigarette smoke will waft upward through my windows and those of my neighbours. Tables/chairs will block the pavement and cause further hazard to pedestrians and the general public. I feel strongly that this renewed application to allow this business to be open until 1.30am should not be granted.

Yours sincerely Victoria Finney.

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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