

Licensing (Licensing and Gambling) Sub-Committee

Wednesday, 6th April, 2022
at 4.00 pm

PLEASE NOTE TIME OF MEETING

Conference Rooms 3 & 4

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 - 6)

To approve and sign as a correct record the Minutes of the meetings held on 12 January 2022 and 19 January 2022, 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 VARIATION OF A PREMISES LICENCE - SZECHUEN KITCHEN, 137A HIGH STREET, SOUTHAMPTON SO14 2BS** (Pages 7 - 44)

Tuesday, 29 March 2022

Executive Director Communities, Culture & Homes

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Public Document Pack Agenda Item 5

SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 12 JANUARY 2022

Present: Councillors G Galton, McEwing and Noon

33. **ELECTION OF CHAIR**

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

34. **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.

35. **APPLICATION FOR NEW PREMISES LICENCE - DESIGN CHAPEL, CEMETERY ROAD, SOUTHAMPTON SO15 7AF**

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 and all representations received in writing prior to the hearing, including an additional statement provided to the panel on 11 January 2022. The Sub-Committee considered all verbal representations made to it at the hearing.

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 Crime and Disorder Act 1998 Section 17, The Human Rights Act 1998, and the Equality Act 2010 were borne in mind by the Sub Committee whilst making their decision.

The Sub-Committee duly noted that no representations were received from the Responsible Authorities.

The Sub-Committee accepted legal advice provided during the course of the hearing, that planning considerations and the requirements of the lease could not be taken into consideration. Legal advice was further provided in order to clarify the legislative requirements for a premises licence. In light of all of the above, the Sub-Committee:

RESOLVED to grant the premises licence with reduced hours as follows:-

All licensable activity to take place within the hours of:

Monday to Sunday – 1600 hours to 2100 hours.

Reasons

The Sub-Committee was mindful that the legislation specifically restricts the grounds on which it 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

The Sub-Committee considered 72 written representations and all oral representations at the hearing. Further, it noted that no representations were made by any of the Responsible Authorities.

The Sub-Committee was mindful that the application for live and recorded music and alcohol sales between the hours of 1200 and 2300, seven days a week, at the Design Chapel within Southampton Cemetery had been met with strong local opposition.

The Sub-Committee, while not tasked with planning applications and, with no authority over them, noted the intended use of the premises had been agreed upon condition and, to date, business at the Chapel had not intruded upon the peace of the area surrounding the Chapel. A number of Representors congratulated the Applicant on his management and upkeep of the Chapel over the past seventeen years.

The Sub-Committee noted in several representations the repeated belief that the premises licence, if granted, would be inappropriate, and would likely be incommensurate with those wishing to use the Cemetery for solace and quiet contemplation.

The representations objecting to the premises license centred on matters concerning the potential for a breach of licensing objectives.

Members of the public were assured that where a licence is granted, an application for a review of that licence could be made where there was evidence that the objectives were not being met.

Public safety within the grounds of the Cemetery was raised as a concern, given that there is no lighting in the area of the Chapel after dark.

The Sub-Committee noted steps that the Applicant had taken to prevent any breach of the licensing objectives. Further, it was assured of the intention of the Applicant to provide guidance to those who book use of the facility.

The Sub-Committee also noted that the venue would not be open to the public, and would operate a booking procedure, and limit numbers attending events. The Applicant also stated that no children were to be invited to events as they would be business meetings.

All things taken into consideration the Sub-Committee felt that the application should be granted subject to the reduced hours.

The Sub-Committee noted reports of apparent misinformation on social media concerning the application. This was not helped by an IT issue preventing the application being viewed for a short period. However, the Sub-Committee was satisfied that all statutory requirements had been met. Further, the application form completed by the Applicant was a standard legal form.

Recommendation

In view of issues raised by Representors, the Sub-Committee strongly recommended that the licence holder be cautious about the type of events and the nature of appropriacy of events permitted and that they should not be allowed to cause nuisance or disturbance within the Cemetery.

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 19 JANUARY 2022

Present: Councillors G Galton, B Harris and Spicer

36. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meetings held on 4 November 2021, be approved and signed as a correct record.

38. **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 will be distributed to all parties to the hearing.

39. **APPLICATION FOR GRANT OF A PREMISES LICENSE - MEVLANA TURKISH KITCHEN 9A - 10A SHIRLEY HIGH STREET SOUTHAMPTON SO15 3LR**

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.

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 Crime and Disorder Act 1998 Section 17, The Human Rights Act 1998, and the Equality Act 2010 have been borne in mind by the Sub-Committee whilst making their decision.

The Sub-Committee considered very carefully the report of the Service Director – Communities, Culture and Homes and the representation received in writing prior to the hearing. The Sub-Committee considered the verbal representations made to it at the hearing.

The Sub-Committee duly noted that no representations had been received from the Responsible Authorities. In light of all of the above, the Sub-Committee:

RESOLVED to grant the premises licence subject to reduced hours for recorded music as follows:

Sunday to Wednesday	10:00am – 11:00pm
Thursday to Saturday	10:00am – 12:00am

Reasons

The Sub-Committee was mindful that the legislation specifically restricts the grounds on which it might 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 gave 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

The Sub-Committee considered the representation received by one local business and noted that the objections were potential public nuisance and public safety issues but that there was no evidence of a real risk of a breach of the licensing objectives. Further, it noted that none of the appropriate Responsible Authorities had submitted a representation or imposed conditions on the license.

The Sub-Committee was satisfied that there would be a minimum of two members of staff on site at all times. The Applicant also clarified that they would not be serving or selling alcohol and that customers would not be permitted to bring alcohol on site.

The Sub-Committee deliberated on the position of the Applicant's business, being situated in a built up residential area, and that licensable activity should cease at a suitable time, in keeping with other similar businesses in the area.

The Sub-Committee noted that the Applicant expected most of the late night sales to be from deliveries and take away sales with reduced numbers in the restaurant later in the evening.

The Sub-Committee noted the Applicant's offer to stop recorded music by 11pm but felt that 12am was appropriate, in keeping with other businesses in the area. The Sub-Committee was encouraged by the Applicant's keenness to remain in dialogue with residents surrounding the site should any issues concerning the license arise.

Members of the public should be assured that where a licence is granted, an application for a review of that licence can be made where there is evidence that the objectives are not being met.

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.

Agenda Item 7

DECISION-MAKER LICENSING (LICENSING & GAMBLING) SUB COMMITTEE

SUBJECT HEARING TO CONSIDER AN APPLICATION FOR VARIATION OF A PREMISES LICENCE – **Szechuen Kitchen 137A High Street Southampton SO14 2BS**

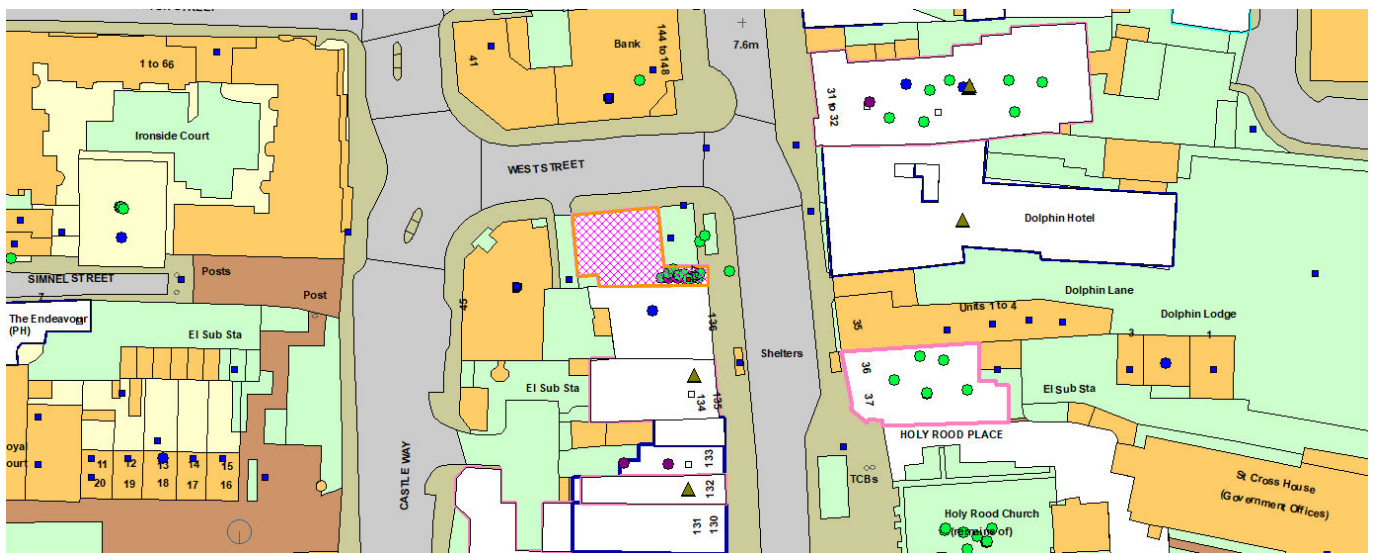
DATE OF HEARING Wednesday 16th March 2022 16.00 hrs

REPORT OF SERVICE DIRECTOR – COMMUNITIES,CULTURE AND HOMES

E-mail licensing@southampton.gov.uk

Application Date : 24th January 2022 Application Received 24th January 2022

Application Valid : 24th January 2022 Reference : **2022/00263/01SPRV**



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Representations from Responsible Authorities

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

Planning	Objection	
Public Health Manager	Not Response	
Police - Licensing	Agreed Conditions	
Trading Standards	No Response	
Other Representations		
Name	Address	Contributor Type

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 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 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 is a variation application to extend the licensable hours to 03.00 hours. The variation is not seeking any changes to the plans and are for reference only.

Applicant	Mr. Qiuxin He and Mr. Yuanjing Lin
Designated Premises Supervisor	Qiuxin He

Licensable Activities.

Recorded music	
Monday	10:00 - 03:00
Tuesday	10:00 - 03:00
Wednesday	10:00 - 03:00
Thursday	10:00 - 03:00
Friday	10:00 - 03:00
Saturday	10:00 - 03:00
Sunday	12:00 - 03:00
Provision of late night refreshment	
Monday	23:00 - 03:00
Tuesday	23:00 - 03:00
Wednesday	23:00 - 03:00
Thursday	23:00 - 03:00
Friday	23:00 - 03:00
Saturday	23:00 - 03:00
Sunday	23:00 - 03:00

Supply by retail of alcohol

Monday	10:00 - 03:00
Tuesday	10:00 - 03:00
Wednesday	10:00 - 03:00
Thursday	10:00 - 03:00
Friday	10:00 - 03:00
Saturday	10:00 - 03:00
Sunday	12:00 - 03:00

This application has received one representation from Planning and no public representations.

Included in this Report

Application
Plans x 2
Current Licence
Hampshire Constabulary Agreed Conditions
Planning Representation
Hearing Procedures

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 Yuanjing Lin and Qiuxin He
(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 2017/03389/01SPRD

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 137A High Street			
Post town	Southampton	Postcode	SO14 2BS

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£19,500.00

Part 2 – Applicant details

Daytime contact telephone number	<div style="background-color: black; width: 100%; height: 1.2em;"></div>		
E-mail address (optional)			
Current postal address if different from premises address	Szechuen Kitchen 137A High Street		
Post town	Southampton	Postcode	SO14 2BS

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)
To extend the operating time for Szechuen Kitchen till 3 A.M in carrying out the licensable activities i.e. recorded music, provision for late night refreshment and supply of alcohol.

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:

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

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded 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	Please give further details here (please read guidance note 5) The finishing time is varied from 00:00 to 03:00		
Mon	10:00	03:00			
Tue	10:00	03:00	State any seasonal variations for the playing of recorded music (please read guidance note 6) N/A		
Wed	10:00	03:00			
Thur	10:00	03:00	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 7) N/A		
Fri	10:00	03:00			
Sat	10:00	03:00			
Sun	12:00	03:00			

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)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Wed					
Thur			<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)		
Fri					
Sat					
Sun					

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			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Fri					
Sat			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)		
Sun					

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) The finishing time is varied from 00:00 to 03:00		
Mon	23:00	03:00			
Tue	23:00	03:00			
Wed	23:00	03:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6) N/A		
Thur	23:00	03:00			
Fri	23:00	03:00	<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) N/A		
Sat	23:00	03:00			
Sun	23:00	03:00			

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 type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6) N/A		
Mon	10:00	03:00			
Tue	10:00	03:00			
Wed	10:00	03:00			
Thur	10:00	03:00			
Fri	10:00	03:00			
Sat	10:00	03:00			
Sun	12:00	03:00			
			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 7) N/A		

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).

N/A

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) N/A
Day	Start	Finish	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) N/A
Mon	10:00	03:00	
Tue	10:00	03:00	
Wed	10:00	03:00	
Thur	10:00	03:00	
Fri	10:00	03:00	
Sat	10:00	03:00	
Sun	12:00	03:00	

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.

N/A

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)

The Licensee, that is the person named in the premise licence shall ensure at all times when the premises are for any licensable activity, there have sufficient competent staff on duty at the premise for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder. The Licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Record will be kept of training and refresher training.

b) The prevention of crime and disorder

Any incidents of criminal nature that may occur on the premise will be reported to the Police.

c) Public safety

Appropriate fire safety procedure are in place including fire extinguisher (foam, H2O CO2), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for details of locations). All appliances are inspected regularly. All emergency exits shall be kept free from obstacles at all times.

d) The prevention of public nuisance

All customers will be asked to leave quietly and the music played will be audible only within the premise.

e) The protection of children from harm

The Licensee and staff will ask persons who appear to be under age of 25 for photographic ID such as age cards, driving licence, the Citizen card, passport, official ID issued by HM Forces or by an EU-country, bearing the photograph and date of birth of the bearer. Staff will also be trained for UNDERAGE SALES PREVENTION regularly. A register of refused sales shall be kept and maintained on the premises.

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	16/01/2022
Capacity	Qiuxin He - Current premises licence holder

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	[Redacted]
Date	16/01/2022.
Capacity	Yuanjing Lin- Current premises licence holder

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
Ms Angel Yeung Lisa's Law Solicitors 13 London Road, London SE1 6JZ			
Post town	London	Post code	SE1 6JZ
Telephone number (if any)	[Redacted]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[Redacted]			



**Schedule 12
Part A
Premises Licence**

Regulation 33,34

Premises licence number	2017/03389/01SPRD
--------------------------------	-------------------

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description,
Szechuen Kitchen 137A High Street Southampton SO14 2BS

Telephone number

Where the licence is time limited the dates
Not applicable

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

The times the licence authorises the carrying out of licensable activities
Recorded music
Monday 10:00 - 00:00
Tuesday 10:00 - 00:00
Wednesday 10:00 - 00:00
Thursday 10:00 - 00:00
Friday 10:00 - 00:00
Saturday 10:00 - 00:00
Sunday 12:00 - 23:30
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 - 00:00

Supply by retail of alcohol

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:00
Saturday	10:00 - 00:00
Sunday	12:00 - 23:30

The opening hours of the premises

Monday	10:00 - 00:30
Tuesday	10:00 - 00:30
Wednesday	10:00 - 00:30
Thursday	10:00 - 00:30
Friday	10:00 - 00:30
Saturday	10:00 - 00:30
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

Qiuxin He
14 Harris Road
Bexleyheath
Kent
DA7 4QD

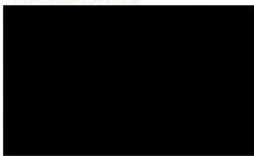
Yuanjing Lin
288 Osborne Road
Acton
London
W3 8SR



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

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

Qiuxin He



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: 17/02169/LAPER
Licensing Authority: Bexley 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 25th day of August 2017;



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 Alcohol may be sold or supplied:

(1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10:00 to 00:00

(2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00 to 23:30

(3) On Christmas Day: 12:00 to 23:30;

(4) On New Year's Eve, except on a Sunday, 10:00. to 00:00

(5) On New Year's Eve on a Sunday, 12:00 to 23:30.

(6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

(a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;

(b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

(c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;

(d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the premises;

2 EMBEDDED CONDITIONS FROM CHILDREN AND YOUNG PERSONS ACT 1933

It is a condition of your licence that you comply with the extant provisions of the Children and Young Persons Act 1933, as amended.

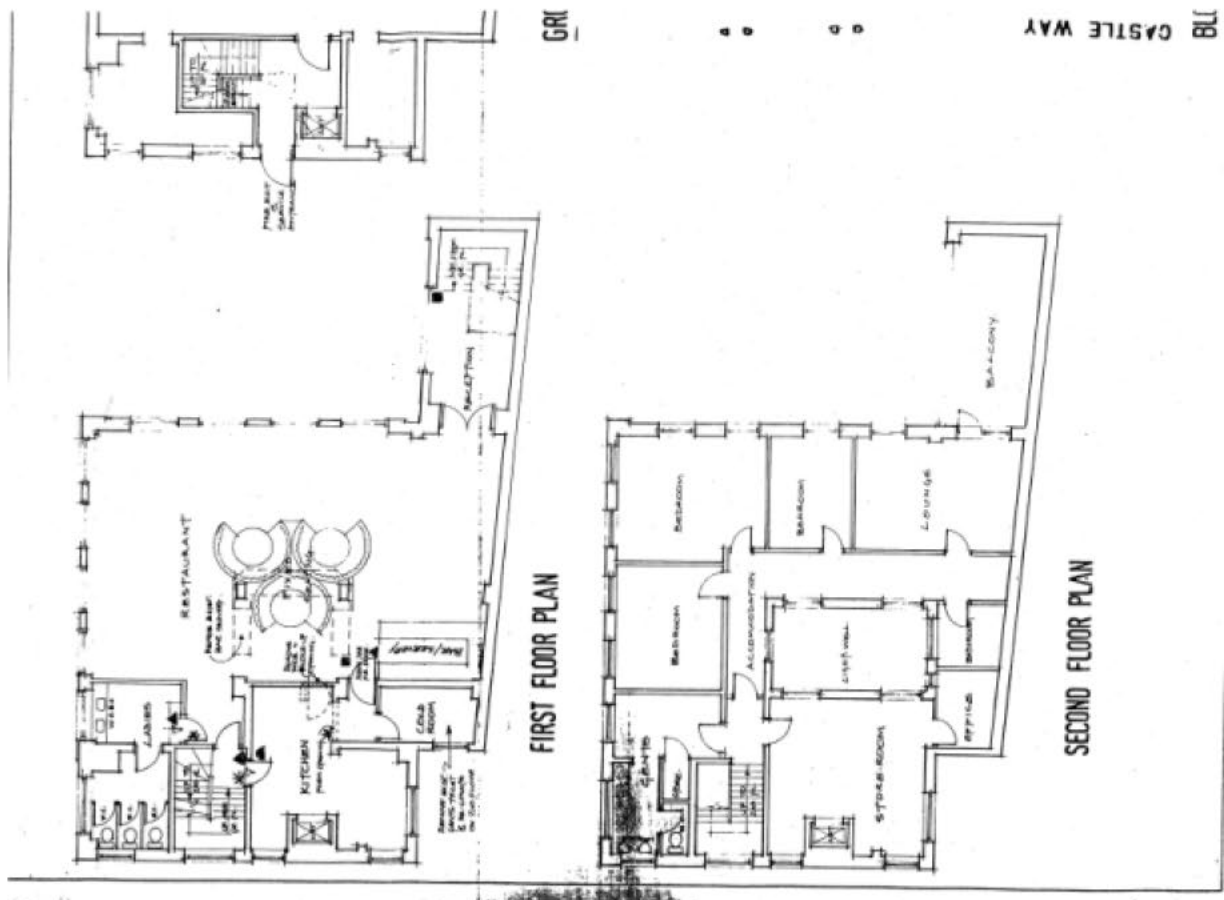
3 The premises shall be structurally adapted and bona fide used for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises; and Alcohol shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal

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

1 None



Annex 4 – Plans



Plan not reproduced to scale.



From: [Hawley, Mark \(25491\)](#)
To: [REDACTED] [Licensing](#)
Subject: FW: Szechuen Kitchen - Variation of premise licence - 2022/00263/01SPV
Date: 02 February 2022 08:12:49
Attachments: [REDACTED]

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: Angel Yeung [REDACTED] >
Sent: 27 January 2022 09:28
To: Hawley, Mark (25491) [REDACTED]
Cc: 'Bates, Phil' [REDACTED]; Scott, Lee (25597) [REDACTED] >
Subject: RE: Szechuen Kitchen - Variation of premise licence - 2022/00263/01SPV

Dear Sirs,

The Premise licence holders confirm that they agree with the below conditions.

Kind regards,

Angel Yeung

Paralegal

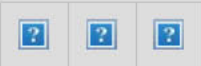
<http://s460647594.websitehome.co.uk/logo.png>



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From: Hawley, Mark (25491) [REDACTED]
Sent: 26 January 2022 14:21
To: [REDACTED]

Cc: Bates, Phil <[REDACTED]>; Scott, Lee (25597)
<[REDACTED]>

Subject: FW: Szechuen Kitchen - Variation of premise licence - 2022/00263/01SPV

Good afternoon,

Thank you for the recent application to vary the premise licence for Szechuen Kitchen, 137a High Street, Southampton, SO14 2BS.

To support this application I would be looking for your client to give a guarantee that the long term future for this business is that it remains a restaurant and nothing else, in addition to support the extended hours for trading and prevent the licensing objectives being abused I will also promote the acceptance of the following wordings to be added as conditions:

1 - Restaurant

The premises shall only operate as a restaurant where;

(i) Customers are shown to their table.

(ii) Substantial table meals are prepared on the premises and are served and consumed at the table using non-disposable crockery.

(iii) No take-away service of food or drink for immediate consumption is provided.

(iv) Intoxicating liquor is only sold, supplied or consumed on the premises to persons who are bona fide customers supplied with substantial table meals.

2. Staff Training

Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training.

All staff will receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.

In addition to their training a written test related to the training given will be conducted before the staff member is permitted to sell or authorise alcohol. The test will consist of a minimum of ten questions of which the pass rate is 80%. Anyone who fails to reach the prescribed pass rate will be retrained and re-tested. Anyone not attaining the pass rate will not be permitted to sell or authorise the sale of alcohol until the pass rate is attained. There will be a minimum of two sets of questions to be used in the training which will be rotated upon each subsequent six month training session.

All training records will be made immediately available for inspection by Hampshire Constabulary and any responsible Authority upon request. Training records will be kept for a minimum period of two years. Training records will be kept on the licensed premises to which they relate to.

Kind regards

Mark

PC 25491 Mark HAWLEY

Licensing Officer

Licensing & Alcohol Harm Reduction Team

Southampton Central Police Station

Southampton

SO15 1AN

[Licensing Home Page](#)

From: Licensing & Alcohol Harm Reduction Team Mailbox <

Development Management
Southampton City Council
Lower Ground Floor
Civic Centre
Southampton SO14 7LY



Please ask for **Stuart Brooks**
Direct Dial
Our ref: **22/00083/CONSUL**

Southampton and Eastleigh Licensing Partnership
Tricia Young
Southampton City Council

14 February 2022

Dear Licensing,

License Consultation

Proposal: **SCC Licensing Consultation - Amendment to Premises License**

Address: **137A High Street, Southampton, SO14 2BS**

Application No: **22/00083/CONSUL**

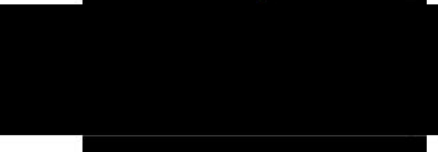
I confirm that Southampton City Council, as the Local Planning Authority raises:-

OBJECTION

For the following reason(s):

Thank you for consulting the Planning Department about the proposed extension to opening hours at the above address. Having assessed the Planning history for this address it is evident that the lawful planning use of the building is restaurant with continuous hours of use operating till 00:30 since 2017. It is considered that, if approved, the request would result in an extended late night use and intensification of use that the Planning Department consider would cause further detriment to the amenities of neighbouring properties by reason of noise, threat of public nuisance and disturbance caused by patrons making use of the facilities and when they leave the premises and disperse into residential areas. The proposal would, therefore, be contrary to current Development Plan, which seeks to balance its support for a late night economy against protecting existing residential amenity from late night disturbance caused by an intensification of use and, following public consultation and independent assessment, sets existing limits on late night uses within the City in order to balance these competing aims. On this basis the Planning Department would like to raise an OBJECTION.

Yours faithfully


Paul Barton
Interim Service Lead
Planning & Economic Development

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.