

**LICENSING (LICENSING AND GAMBLING) SUB – COMMITTEE
DECISION OF THE MEETING HELD 17 APRIL 2024**

**APPLICATION FOR A NEW PREMISES LICENCE
ONDROP, FRONT UNIT, HENTY ROAD, SOUTHAMPTON, SO16 4GF**

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

This hearing was held as a hybrid meeting using Microsoft Teams and at the Civic Centre, Southampton.

The Sub-Committee has considered very carefully the application as submitted for a new premises licence at Ondrop, Front Unit, Henty Road, Southampton, SO16 4GF.

It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, and the adopted statement of Licensing Policy. The Human Rights Act 1998, the Crime and Disorder Act 1998 and the Equality Act 2010 were borne in mind whilst making the decision. Representations by all the parties present at the hearing as well as written representations were also fully taken into consideration.

The Sub-Committee made its decision on the basis of all of the evidence submitted, both in writing and given orally at the Hearing.

The Sub-Committee noted that Hampshire Constabulary (Licensing), Environmental Health and thirty-nine residents had submitted representations. It also noted that conditions had been agreed by Hampshire Constabulary and Environmental Health with the Applicant. No other responsible authorities had made representations.

At the outset the Applicant amended the application so that the licensable activity of supply of alcohol was sought for the following hours:

Wednesday and Thursday 8-00 p.m. to 02:00 a.m. the following morning;
Friday and Saturday 8:00 p.m. to 05:00 a.m. the following morning.

The Sub-Committee heard oral evidence from the applicant, from several of the residents, and two councillors. The written representations were also considered. Having considered all of the above, the Sub-Committee has:

RESOLVED to grant the premises license in accordance with the amended application and subject to the conditions agreed with Hampshire Constabulary and Environmental Health. These are set out in the email from Matt Taylor of Environmental Health to the applicant dated 23rd February 2024 and the email from PC Dimmer to the applicant dated 15th February 2024. An amendment was made to the hours for the supply of alcohol so that the hours granted are :

Wednesday and Thursday 8-00 p.m. to 02:00 a.m. the following morning;
Friday and Saturday 8:00 p.m. to 05:00 a.m. the following morning.

Reasons

This is an application for a new premises in an industrial unit located in a residential area.

The Sub-Committee received legal advice that the legislation had a presumption of grant of a licence, so that it can only refuse the application if concerns raised cannot be met by conditions. Advice was also received that in line with the statutory guidance as responsible authorities Hampshire Constabulary and Environmental Health should be deemed to be experts in their field. Both agreed conditions which in their view met the licensing objectives. Legal advice was also provided that speculation as to what might happen if the application was granted could not be taken into account

The Sub-Committee has carefully considered the written objections, oral representations, and the representations in support of the application.

Generally, residents are concerned that the grant of a Premises Licence will lead to an increase in public nuisance, crime and anti-social behaviour as well as a risk of harm to children.

The Sub-Committee has considered all representations but concludes that there is no evidence of a real risk of a breach of the Licensing Objectives. The Sub-Committee acknowledges the genuine concerns of the residents but is limited to dealing with the application in accordance with the Licensing Objectives. The Sub-Committee noted that in the absence of concerns raised by the police and environmental health or proof provided by any of the residents, concerns could only be classed as speculative.

The Sub-Committee had serious concerns about the vulnerability of delivery drivers being lone workers late at night. Whilst noting the training condition imposed the Sub-Committee felt that the applicant should consider the use of body worn cameras as an additional safeguard.

The Sub-Committee noted that the applicant wished to work with the local community and recommends that it does so perhaps providing a point of contact for any issues that may arise so that they can be addressed quickly.

Residents and Councillors can be re-assured that there is a robust review system under the Licensing Act so that there is a general right to review a premises licence, which can be brought by residents or responsible authorities. In the event that the premises causes issues of concern, the licence, in its entirety, can be considered at that stage where the evidence supports it.

There is a right of appeal for all parties to the Magistrates' Court. Formal notification of the decision will set out that right in full.