
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 2 OCTOBER 2024

Present: Councillors M Bunday, Cooper and Windle

Apologies: Councillors

20. **ELECTION OF CHAIR**

RESOLVED that Councillor M Bunday as Chair of the Licensing Committee would be Chair for the purposes of this meeting.

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

The Minutes of the meetings held on 14 August 2024 and 21 August were approved as an accurate record.

22. **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 public unless otherwise excluded by the Licensing Act 2003 (Hearing Regulations 2005), would be invited to return immediately following that private session at which time the matter would be determined and decision of the subcommittee announced.

23. **APPLICATION FOR A NEW PREMISES LICENCE - BURGER KING 234-238 BURGESS ROAD SO16 3AU**

All parties received formal written confirmation of the decision and reasons. This hearing was held as a virtual meeting using Microsoft Teams.

The Sub-Committee has considered very carefully the application for grant of a premises licence for the provision of late-night refreshment at **BURGER KING 234-238 BURGESS ROAD SO16 3AU**.

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 Equality Act 2010 and The Crime and Disorder Act 1998 Section 17.

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

The Sub-Committee heard from Applicant and 2 objectors orally. The sub-committee also considered written representation from Cllr Lorna Fielker.

The Sub-Committee noted that Environmental Health and Planning (Responsible Authorities) attended the Hearing,

Having considered all of the above the Sub-Committee agreed to grant the licence in accordance with the application covering the supply during the following hours:

Provision of late-night refreshment during the following hours of operation.

Monday 23:00 – 00:00
Tuesday 23:00 - 00:00
Wednesday 23:00 - 00:00
Thursday 23:00 - 02:00
Friday 23:00 - 02:00
Saturday 23:00 - 02:00
Sunday 23:00 - 00:00

In addition, the licence will be subject to the following conditions:

1. A CCTV system shall be installed at the premises.
 - a. CCTV shall be maintained in good order and recordings shall be retained for at least 31 days.
 - b. The correct time and date will be generated onto both the recording and the real time image screen
 - c. The footage will be made available for inspection by authorised officers of the Licensing Authority and the Police upon request.
 - d. There shall be signs displayed in the customer area to advise that CCTV is in operation.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
4. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
5. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any visit by a relevant authority or emergency service.
6. The Premises Licence Holder or nominated person shall ensure that all relevant members of staff receive training in their responsibilities under the Licensing Act 2003. Such training shall be documented, and records made available upon request from the Police or an authorised officer of the Licensing Authority.

7. A direct telephone number for the manager at the premises shall always be publicly available the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

8. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

9. The sales of hot food & drink are to be via the drive-thru facility only from 23:00 and the internal restaurant will be closed from this time.

10. The Applicant will ensure that the external seating area is not available for use by any person after 23:00.

11. The car park will have reduced capacity in agreement with Environmental health officers.

Reasons:

The Sub-Committee has noted the concerns of the responsible authorities regarding the impact of late-night nuisance and impact on the amenity.

In particular the Sub-committee noted the concerns about the gathering of delivery drivers and patrons in the car park and vicinity which is in a highly residential area. However, the sub-committee noted that the applicant had suggested a number of conditions in order to mitigate against the adverse effects of late-night refreshments being sold and the sub-committee were satisfied that the applicant was working openly and cooperatively with the responsible authorities.

The sub-committee considered the impact of additional noise created from the extended opening hours but were satisfied that the conditions above will mitigate against this impact, with the applicant assuring the doors and windows, save for when taking orders and handing over food, will be kept closed during the late night opening. The sub-committee noted that the applicant had offered to reduce the opening hours sought and this was considered appropriate given the location of the site.

It was also noted that no local residents made any representations against the application.

The Sub-Committee received legal advice that the legislation provides for a presumption of grant of an application for a premises licence, and an application should only be refused if conditions on the licence could not address issues raised. In this case additional conditions had been agreed with the Police and Environmental Health which dealt with those issues satisfactorily.

Advice was also given that in accordance with the Statutory Guidance the Police are deemed experts on crime and disorder and Environmental Health are regarded as experts on noise and public nuisance.

Finally, the Sub-Committee was advised that it is not entitled to take into account speculation as to what might occur if the licence was granted. Members of the public should be assured that there is a general right to review a premises licence which can be brought by residents or responsible authorities, where

there is evidence that the objectives are not being met. 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 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.