

DECISION-MAKER LICENSING (LICENSING & GAMBLING) SUB COMMITTEE

SUBJECT HEARING TO CONSIDER AN APPLICATION FOR GRANT OF A PREMISES LICENCE – **Worldwide Grocerrie 298 Burgess Road Southampton SO16 3BJ**

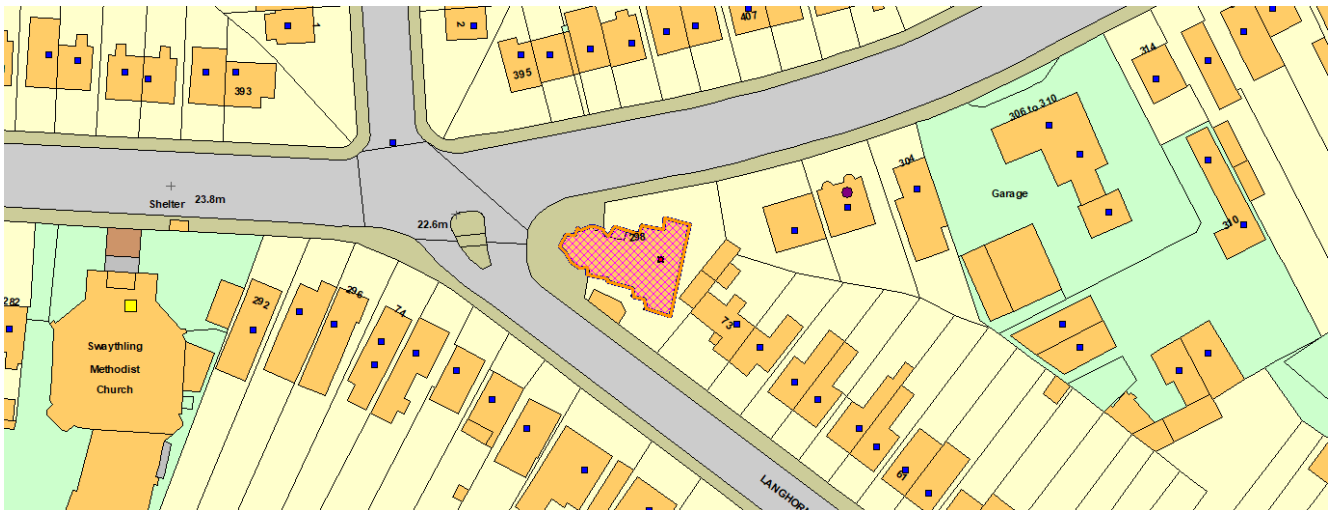
DATE OF HEARING 20th November 2024 at 16.00 hrs

REPORT OF SERVICE DIRECTOR – RESIDENTIAL SERVICES

E-mail licensing@southampton.gov.uk

Application Date : 26th September 2024 Application Received 26th September 2024

Application Valid : 27th September 2024 Reference : **2024/04441/01SPRN**



© Crown copyright and database rights 2014 Ordnance Survey 100019679

Representations from Responsible Authorities

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

Public Health Manager	No Response	
Planning & Sustainability - Development Control - Licensing	No Response	
Police - Licensing	Agreed Conditions	
Trading Standards	No Response	
Other Representations		
Name	Address	Contributor Type
Ms Marianne Buttell	26 Wellington Close Dibden Purlieu Southampton SO45 4RL	Resident
Blake and Christine Shepherd	72 Langhorn Road Southampton SO16 3TN	Resident
Mrs Wendy Lagden	397 Burgess Road Southampton SO16 3BL	Resident

Legal Implications

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

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

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

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

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

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

Only persons that made relevant representations or their representative, within the time limits, will be allowed to present evidence and this will be restricted to the points raised in their written representation. Any evidence used to expand upon specific points already raised in a written representation should be served upon all parties in good time before the hearing date in order to allow proper consideration. A failure to properly serve any such additional evidence in advance is likely to mean it cannot be produced or relied 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 grant of a premises licence and the representations to it are annexed to this report.

Equality Act 2010

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

SUMMARY

This application is for a small convenience store selling worldwide groceries and alcohol to residents. The Police agreed conditions are shown in the Operating Schedule below.

Applicant	Excellent Merchandisers Ltd.
Designated Premises Supervisor	Karan Nayyar

Licensable Activities.

Recorded music

Monday	06:00 - 23:00
Tuesday	06:00 - 23:00
Wednesday	06:00 - 23:00
Thursday	06:00 - 23:00
Friday	06:00 - 23:00
Saturday	06:00 - 23:00
Sunday	06:00 - 23:00

Supply by retail of alcohol

Monday	06:00 - 01:00
Tuesday	06:00 - 01:00
Wednesday	06:00 - 01:00
Thursday	06:00 - 01:00
Friday	06:00 - 01:00
Saturday	06:00 - 01:00
Sunday	06:00 - 01:00

Conditions consistent with the operating Schedule

1 CHALLENGE 25

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older. Acceptable identification for the purposes of age verification will include a photo card driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person. 'Challenge 25' posters shall be displayed in prominent positions at the premises.

2 NIGHT HATCH

A night hatch will be used between 00:00 and closure. No customer to have access to the premises during this time.

3 CCTV

A colour recording CCTV system that captures images from the main public areas must be fully operational whilst licensable activities are taking place. The system shall be able to cope with all levels of illumination. The recording equipment shall be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system. The system shall be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area. The system clock shall be checked regularly for accuracy taking account of GMT and BST. Digital systems shall have sufficient storage capacity for 28 days evidential quality recordings (minimum 4 frames per second). The images produced shall be date and time stamped. A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.

An additional recording CCTV camera shall be installed and fully operational whilst the venue is open to the public to cover the area immediately outside the front of the premises. It is important that the Police are able to access data from the systems quickly and easily and therefore provision shall be made that at all times a person is in attendance who is nominated by the data controller who has access to the secure area who is able to operate the equipment. Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of nominated staff. Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems) and to produce images to the police responsible authority for the purpose of the prevention and detection of crime as long as the request is lawful and complies with the data protection Act. In the event of a technical failure of the CCTV equipment, the premises licence holder or DPS shall notify the police licensing department responsible for the area within 24 hours.

4 REFUSALS BOOK

A written log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the venue manager/manageress. The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority. The record of refusals will be retained for 12 months.

5 STAFF TRAINING

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

This training must cover their legal responsibilities and action to be taken in the event of suspicions being aroused that someone is purchasing or attempting to purchase an item under the legal age. All employees will sign a letter to acknowledge that they have completed this training and have understood their responsibilities on this area. This training should be reviewed and updated at reasonable intervals but at least annually. Training records will be kept on the licensed premises to which they relate.

6 INCIDENT BOOK

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

7 NON STANDARD TIMINGS

Opening Hours and Supply of Alcohol are extended for an additional 2 hours on the following:

All Public Holidays and;

An additional hour on the morning of the day that the clocks go forward (in order to negate the effect of the change to British Summer Time from Greenwich Mean Time.

This application has received a representation from Environmental Health and 3 Public Representations.

Included In Report

Application

Plan

Environmental Health Representation (Part 1 and 2)

3 x Public Representations

Hearing Procedures

SOUTHAMPTON AND EASTLEIGH LICENSING PARTNERSHIP
 Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Excellent Merchandisers Ltd
(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Worldwide Grocerie 298 Burgess Road Southampton			
Post town	Southampton	Postcode	SO16 3BJ
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£5100	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **appropriate** **Please tick as appropriate**

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)

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

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

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name Excellent Merchandisers Ltd
Address 51-53 Rumbridge Street Southampton SO409DR
Registered number (where applicable) 15319725

Description of applicant (for example, partnership, company, unincorporated association etc.)

Excellent Merchandisers Ltd is offlicense and convenience store and offlicense business . I(Karan Nayyar) is a director of the company and also have Retail shop and Postoffice in New Forest (Totton) with an off license experience of 8.5 years.We will be keeping food to cater needs of local residents as well international students in the area. In order to fullfil off licencing regualation I also have Personal Liencse. This will be our second branch which will be providing the opportunity for students , local residents and asian customers to purchase fruits , vegitables , lentils etc all under one roof .

Telephone number (if any)

E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	10	2024

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

DD	MM	YYYY

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

The premises is on 298 Burgess Road at Southampton it was a washing machine repair shop and previous to that an off license shop . We will be operating as Off llicense and Grocery store offering variety of grocery from around the world . We will be opening long Hours Monday to Sunday and this will include option of home delieveries and online orders especially to cater students . We will be keeping packed sandwiches , bougets and samosas for customers travelling to work in morning .Excellent Merchandisers Ltd will be opening their second branch on 298 Burgess Road and will be running as a off license and grocery store providing variety of worldwide food. As it is based in heavy student affluent area it will be operating till late hours .

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

0

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

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

Provision of regulated entertainment (please read guidance note 2) Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)

- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			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 6)		
Sat					
Sun					

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed			
Thur			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 (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			Please give further details here (please read guidance note 4)			
Tue						
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)			
Thur						
Fri			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 (please read guidance note 6)			
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 4)					
Mon								
Tue								
Wed						State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur								
Fri								
Sat						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 6)		
Sun								

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	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 4) After 23.00 recorded music will not be played keeping it environmental friendly and neighbourhood friendly .		
Mon	6.00	23.00			
Tue	6.00	23.00	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Wed	6.00	23.00			
Thur	6.00	23.00	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 6)		
Fri	6.00	23.00			
Sat	6.00	23.00			
Sun	6.00	23.00			

G

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

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p>Please give further details here (please read guidance note 4)</p>		
Wed					
Thur			<p>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)</p>		
Fri					
Sat			<p>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 6)</p>		
Sun					

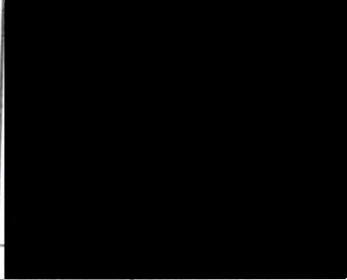
I

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for <u>consumption – please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	06.00	01.00			
Tue	06.00	01.00			
Wed	06.00	01.00			
Thur	06.00	01.00			
Fri	06.00	01.00			
Sat	06.00	01.00			
Sun	06.00	01.00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) Non standard times, alcohol not sold on premises after 1am , unless it's a big festival or event like - Christmas or New Year Eve . I would open convenience store for extra 2 hours from standard operating hours on following occasions - Christmas Eve, Christmas Day All Bank holidays Big Sporting Events Rugby World Cup Football Fixtures New Year Eve New Year Day Patriotic Celebration for example - Kings Jubilee Festivals and Social gatherings		

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

Name Karan Nayyar

Personal licence number (if known) 1644/1

Issuing licensing authority (if known)
Southampton City Council

K

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	06.00	01.00	<p>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 6) Non standard times, alcohol not sold on premises after 1am, unless it's a big festival or event like - Christmas or New Year Eve. I would open convenience store for extra 2 hours from standard operating hours on following occasions - Christmas Eve, Christmas Day All Bank holidays Big Sporting Events Rugby World Cup Football Fixtures</p>
Tue	06.00	01.00	
Wed	06.00	01.00	
Thur	06.00	01.00	
Fri	06.00	01.00	
Sat	06.00	01.00	
Sun	06.00	01.00	

			New Year Eve New Year Day Patriotic Celebration for example - Kings Jubilee Festivals and Social gatherings
--	--	--	--

M

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

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

Nothing beyond existing health and safety/fire safety etc requirements'

b) The prevention of crime and disorder

Effective management of premises, including written procedures for managing incidents.
 Keeping an incident book and daily register which lists incidents and actions taken by staff and management.
 Ensuring that staff receive proper training and refresher training on relevant issues, policies and procedures.
 Ensuring provision of effective CCTV in and around premises.
 Displaying notices regarding the use of illegal substances or weapons, stating that offences will be reported to the police.

c) Public safety

Ensuring that premises, both internally and externally, are maintained in good, clean and tidy condition at all times.
 Co-operating with police and Licensing Standards Officers including by allowing access to all relevant policies and procedures.
 Having a suitable litter and waste management programme including provisions for recycling.
 Ensuring the appropriate instruction, training and supervision of staff.
 Conducting regular testing and certification (where appropriate) of appliances.

d) The prevention of public nuisance

Taking a proactive and risk-based approach to public nuisance.
 Conducting sound tests to ensure that noise from equipment used in providing live or amplified music, non-amplified music, singing and speech is not intrusive in any nearby property.

e) The protection of children from harm

Giving consideration to the ambience of premises and what is appropriate in terms of children and young persons' access.
 Ensuring facilities are appropriate to the areas of the premises to which children and young persons are to be afforded access.
 Requiring children to be accompanied by an adult.
 Give consideration to the impact of parental drinking and associated behaviours.

Checklist:

Please tick to indicate agreement

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

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

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

Part 4 – Signatures (please read guidance note 11)

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

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

	<p>not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</p> <ul style="list-style-type: none"> The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	[REDACTED]
Date	02/09/2024 [Signature]
Capacity	

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Karan Nayyar 298 Burgers Road			
Post town	Southampton	Postcode	SO163BJ
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) [REDACTED]			

DATA PROTECTION

The Council is collecting this information in order to perform this service or function, and if further information is needed in order to do so, you may be contacted using the details provided.

In performing this service, the Council may be required to share your information with other organisations or departments, but it will only do so when it is necessary in order for the service to be provided.

The Council may also share your personal information for the purposes of the prevention, investigation, detection, or prosecution of criminal offences, but will not share your personal information, or use it for this, or any other purpose, unless provided for by law.



PROPOSED PLAN

ALL DIMENSIONS TO BE
VERIFIED ON SITE

- Red : Boundary Line
- Green : Green Grocery
- Yellow: Fire Extinguisher
- L Blue Glass windows
- D Blue: Sign Boards
- Orange: Weather Awning

PROPOSED SHOP FOR KARAN NAYYAR AT 298, BURGESS ROAD, SOUTHAMPTON

Scale: 1:100@A3 DWG NO.:002A

Drawn: Jay Date: 07/09/2024



LG PLANNING LIMITED
81 GOLDEN GROVE
SOUTHAMPTON- SO14 1RA
E-Mail: lgplanninglimited@gmail.com

From: [Young, Tricia](#) on behalf of [Licensing](#)
To: [Idox DMS Licensing](#)
Subject: FW: Licence Application - 298 Burgess Road, Southampton - 2024/04441/01SPRN - EH Objection
Date: 29 October 2024 08:48:45
Attachments: [License Application - 298 Burgess Road \(11.2 KB\).msg](#)

From: Taylor, Matthew <
Sent: 25 October 2024 14:21
To: Licensing <Licensing@southampton.gov.uk>
Subject: Licence Application - 298 Burgess Road, Southampton

Good Afternoon Licensing,

Please see attached an email I sent to the applicant for the above address.

I make a representation against this application because I believe the store should shut at the latest of midnight during weekdays because having this business open until these times in this area poses a risk of public nuisance to local residential properties.

I am also concerned that allowing this will create a precedent in the local area for retail businesses.

As you can see from the attached email, I have made these comments directly to the business via email and to the business on the telephone.

While talking with the business the applicant stated that they are happy to trial 1am for a year to see if this works. I explained that I did not believe such a mechanism exists within licensing legislation but I know such a mechanism does exist in planning legislation. Can I check that my comment to the applicant was correct and it is not possible to have a years 'trial' period for the hours they suggest?

I make a representation knowing I will need to attend licensing board should the matter not be rectified before this time.

For Information, I am on leave next week and will return on Monday 4th November.

Kind Regards
Matthew Taylor
Principal Environmental Health Officer
Directorate for Place
Southampton City Council

From: [Taylor, Matthew](#)
To: [REDACTED]
Cc: [Licensing](#)
Subject: License Application - 298 Burgess Road
Date: 25 October 2024 14:20:45

Dear Karan Nayyar,

Environmental Health have been consulted on your application for 298 Burgess Road, Southampton.

Your application is for a retail shop opening until 01.00 daily.

I note that there is residential premises surrounding your proposed business and therefore I want to ensure that adequate controls are documented on the licence that will help with the Prevention of Public Nuisance.

Thank you for talking with me earlier today regarding this application.

As discussed my main concern regarding your proposed business is that you intend to open until 01:00 daily.

You explained that you were going to sell from a hatch after 23:00 until 01:00 and this would be done on the Burgess Road side of the business.

I believe the store should shut at the latest of midnight during weekdays because having this business open until these times in this area poses a risk of public nuisance to local residential properties.

I am also concerned that allowing this will create a precedent in the local area for retail businesses.

I therefore wish to make you aware of my concerns and make you aware that I will be providing a representation to the licensing team. Should you wish to make comment on my concern regarding a 01:00 finish time please feel free to do so by replying to this email.

As part of this email I also wish to determine a set of conditions to be added to the prevention of public nuisance section of your licence should the decision be to grant the licence. I therefore recommend the below conditions:

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

All audio from the music system will be played at background level only.

No music will be played externally.

No member of the public will be allowed to loiter outside of the premises and a dispersal policy will be implemented.

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 22.00 hours and 08.00 hours on the following day.

No deliveries to the premises other than milk and newspapers shall take place between 22:00 hours and 08:00 hours on the following day

If you are happy to accept the conditions noted above (in italics) please reply to me and I will ask our licensing team to add these to your licence should the decision be to grant your licence.

If you would like to discuss the wording to any of the above conditions please do not hesitate to contact me, I am normally happy to change the wording as long as it provides adequate protection to local residents.

Kind Regards
Matthew Taylor
Principal Environmental Health Officer
Directorate for Place
Southampton City Council



From: [REDACTED]
To: [Licensing](#)
Subject: Re: Notice of Application for the Grant of Premises Licence for 298 Burgess Road, Swaythling, Southampton
Date: 14 October 2024 13:12:47
Attachments: [Document -Licensing application.docx](#)

This Message Is From an External Sender

This message came from outside your organisation.

[Report Suspicious](#)

I refer to the above and attach a letter setting out our objections to various aspects of Worldwide Grocerrie (Mr Nayyar's) application for the sale by retail of alcohol and the playing of recorded music.

We have grave concerns about the extensive hours that he is proposing his shop will be open for and whether his application for a music licence to play recorded music inside his shop is relevant to a store in a residential area. It seems that such music might .

In his application under Section M he says he will take a proactive approach in 'conducting sound tests to ensure that noise from equipment used in providing live or amplified music, singing and speech is not intrusive in any nearby property'. If recorded music is only to be played in the shop (presumably with he doors closed), why does he need to make such a statement?

We have other concerns about planning and environmental health but realise these must be dealt with by the appropriate departments of the Council but they do seem inter-related particularly in relation to the plan submitted with the Licensing application and the amount of hours Mr Nayyar proposes to the open!

Please see the attached letter and give our views careful consideration. We shall be sending a copy of our letter to Planning Enforcement and Environmental Health Dept.

Representations from Mr B Shepherd and Mrs C Shepherd of 72 Langhorn Road, Swaythling, Southampton (one of the properties opposite 298 Burgess Road) on 14th October 2024

Introduction:

My husband and I moved into our property at 72 Langhorn Road in August 1988 when 298 Burgess Road was a small grocery shop run by a couple who lived in the rest of the property. We used to shop regularly in the shop. We can, therefore, speak about this property and what has happened to it over the years from personal knowledge. Over the years, we have watched this property gradually descend into a state of poor repair and an eye sore and the surrounding area of the property become a dumping ground for all sorts of rubbish and a dilapidated shed storing more rubbish. The property's windows have been allowed to rot, the roof has been allowed to leak, the floors rot and the floors leak and according to a previous tenant of the shop, rats have been seen in the property at times.

Planning was granted in 2020 for this site to be sensibly developed into a retail unit with flats and associated car parking, cycle and bin storage and amenity space. We hoped once the last planning application was approved that work would start to provide much needed housing as well as addressing the deterioration of the site. However, now we understand, from Mr Karan Nayyar's **licencing application**, that he is aiming to open an off licence and general store between the hours of 6 a.m. and 11 p.m. plus extra opening hours until 1 a.m. on 7 days a week for the supply of alcohol (as per his licensing application (section J refers). We are also horrified to hear that he is applying for a **recorded music licence** so he can play music in the store from 6 a.m. to 11 p.m. every day for 7 days a week and he comments that this is in keeping with being environmentally friendly and neighbourhood friendly. We can envisage that the door to the shop will not remain closed, particularly in warmer weather. He is also going to operate **a delivery service** throughout these hours so people will be coming and going all the time and producing a certain amount of noise/disturbance.

We would like to reiterate that Langhorn Road is a **purely residential area**, unlike High Road and Burgess Road and the residents should not have to put up with even longer hours than the Tesco Supermarket which is on Burgess Road currently opens for (namely 7 a.m. to 11 p.m.)

Our specific comments on the licencing application supplied by Mr Nayyar:

1. **Display of Notices of Application for alcohol and music licence**: The Licensing Authority of Southampton City Council clearly states on its web pages that the applicant "to serve copies of applications and post notices outside the premises and in a newspaper circulating in the area". Please note that the notice of application was, in fact, posted on two windows within his shop premises, one facing Burgess Road and one facing Langhorn Road – not outside of his premises and in such a position that anyone wanting to read the notices felt intimidated as workmen were constantly working in front of these notices. We managed to spot the notices only on 9th October and because Mr Nayyar and his workers were almost constantly working in front of these notices erecting a structure for display of goods in his proposed open-air market (which incidentally came as a great and devastating surprise to us) anyone wishing to read the notices would feel too intimidated to approach the shop to look at the information contained in them. We did manage to read them quickly and later in the evening. However, when we first read the notice one of the workers witnessed this and

during the following three days, wooden structures were built and fixed to the area the notices were displayed in, effectively making it extremely difficult to read them. These notices should have been displayed outside the boundary of his shop and at other places in Burgess Road and Langhorn Road. On the Licensing Authority's website, it states that the applicant is supposed to serve copies of the application but does not state who to – this needs clarification! Also, please tell us what newspaper circulating in the area, the applicant placed the information in as we doubt very much that he abided by this legislation. Mr Nayyar has clearly failed to comply with instructions on the website in connection with his application and because of this surely the date for representations should be extended once he complies?

Mr Nayyar spoke to my husband on 8th October and gave the impression that he was in charge of the building work. At no time did he inform us that he was the proprietor of the proposed shop or exhibit any neighbourliness by explaining his proposals. It has become clear that Mr Nayyar and his workers have any experience of building an open-air market structure and are using any shoddy materials they can lay their hands on. Goodness knows what the end result will be at such a prominent junction in a residential area!

2. **Section B of Application: Other Applicants, Part 3 Operating Schedule Idox Annotate:**

Mr Nayyar states that the premises were a washing machine shop and previous to that an off-licence shop. I don't know where Mr Nayyar's past knowledge of the history of this shop comes from but to our knowledge over the past 44 years we have lived opposite this shop and known the people who lived and rented the shop, it has never been an off-licence shop! Perhaps the Licensing Authority could dig into its records and prove us wrong on this historic fact?

3. **Parking and Traffic problems: In Idox Annotate section,** Mr Kayyar proposes to sell packed sandwiches, bougets (not sure what these are - presumably baguettes) and samosas to customers travelling to work. Presumably not all these customers are going to be on foot. Some will be travelling to work by car. Where are they going to park so that they can access the shop in roads that are already heavily parked up and through extremely heavy traffic journeying along Burgess and Langhorn Road. One can envisage people who are always reluctant to walk any small distance trying to pull up very near this shop and adding to the already chaotic traffic problems in close proximity to this shop. We have already witnessed this problem outside of Tesco. If people need to buy groceries or alcohol from this shop in the evening, again parking is going to be a major problem as residents by then are parked up in every available space.

4. Idox Annotate section continued: Mr Nayyar states "as it is based in heavy student affluent area it will be operating till late hours." He is referring to his wish to open the premises from 6 a.m. to 11 p.m. and even until 1 a.m. and offering on-line and home deliveries. We are not sure where he gets the idea that this area is affluent – student areas are not generally affluent and Swaythling can hardly be classed as an affluent area! How much research has Mr Nayyar done?

The sale of alcohol later than 11 p.m. The students in this area are well provided for by many shops in Burgess Road and Portswood selling international produce and generally the roads at around this area at night and early morning hours around this area are not teeming with

students or residents and are very quiet and almost deserted after 11 p.m. Do the people living around this area really need to buy alcohol after 11 p.m. at night? Many of the large number of Chinese students do not drink any way. Also, just a short distance away from our property in Burgess Road, there is a Tesco local shop with opening hours of 7 a.m. until 11 p.m. who sell alcohol. Why should Mr Nayyar's shop ask for longer hours opening at 6 a.m. and staying open until 1 a.m. the next day? In Section F of the Guidance, he actually says his proposals are "environmentally friendly and neighbourhood friendly! What a joke!!

5. **In Section Supply of alcohol:** Mr Nayyar lists a plethora of special days, events taking place when he envisages that his shop will be open for +2 hours (we are talking 3 a.m. here) if **on top** of his wish for the standard operating hours of 6 a.m. to 1 a.m. the next day. We are now in the realms of looking at a very great number of extra days, even if we exclude public holidays, for instance big sporting events, rugby world cup games, football fixtures (what football fixtures? These happen very regularly i.e. fortnightly or more, festivals and social gatherings. With the amount of people of different religions/beliefs around there, these events would happen on a great number of days a year.
6. **In Section M, (d)** The prevention of public nuisance, Mr Nayyar states he will conduct "sound tests to ensure that noise from equipment used in providing live or amplified music, non-amplified music, singing and speech is not intrusive in any nearby property". Mr Nayyar is supposedly only applying to have recorded music within the shop, so why would there be any need to ensure what he has stated in this section? How loud is the music going to be in the shop? Is he going to leave the doors of the shop open at various times and play loud music amplified music?
7. **In the application under 'Contact name'** Mr Karan Nayyar has given the incorrect address for correspondence associated with this application. Apparently, he lives at "298 Burgers Road".

From a Planning and Highways perspective, we also have concerns:

Strictly speaking the Licensing Authority's view probably will be that this part does not concern it but we strongly feel that the various departments of the City Council should be concerned about aspects of planning and traffic management and parking in the area if Mr Nayyar's application for licence for the very long hours requested is granted. The sale of alcohol under early hours of the morning could also contribute to anti-social behaviour around the area and place a greater burden on the Police.

1. **Parking:** As you can see from the supplied plan attached to his licensing application and by checking Google map, the shop does not have any provision for parking. **There is no parking for staff** – not even a bike store proposed; **no parking for any** deliveries or for staff making food deliveries. There are double yellow lines around the whole shop area and a bus stop area which joins onto the double yellow lines and extremely limited parking along Langhorn Road. Although there is not a 2-hour limit on Langhorn Road or permit holders parking, there are very little spaces available. Langhorn Road has a plethora of dropped pavements taking up much of the parking space which one cannot park in front of and the limited areas for residents who do not have parking on their forecourt and dropped pavements gets taken up by Tesco staff, University staff and people who live around the roads nearby who do not want to pay for a parking permits and therefore park free in Langhorn Road! This also means that there are no parking spaces for the potential shop customers to pick up food on their

way to work, etc. and illegally parking on the double yellow lines for even just a short time would lead to traffic chaos!

2. **Proposal for an Open-Air Market all around the shop area:** The plan submitted with Mr Nayyar's licensing application is not one that we have ever seen on the Council's planning applications site. Having looked at the website, no plan seems to have been lodged that now shows the proposed plan (submitted with this Application for Licensing) showing the open-air market proposal around that whole external paved area of the shop with just a weather awning. This leads us on to our concerns about the area on the plan indicated by a dotted line which shows a storage container, toilet and a 'walking chiller' (presumes he means walk-in chiller). This area at the moment is just an area where an old shed was torn down – a rubbish site in appearance. **Note for Planning:** Perhaps you could confirm what is the position regarding any planning permission for this? It looks like again we shall be faced with another eyesore! Will a high fence be erected in an acceptable state to hide these atrocities. There are dilapidated windows in the adjoining part of the property behind the potential siting of the storage container, etc which Mr Nayyar's workmen have nailed corrugated iron to. What a wonderful site!
3. Environmental Health concerns: As stated earlier, the property appears to have no facilities regarding hand washing and a toilet for staff. The Planning Department need to question and inspect what has actually been put in before this shop opens up, particularly as he is proposing to sell food such as sandwiches, baguettes, samosas and other fresh foods.

Some of the objections we have made to this licensing application, in our view, are interconnected with various departments within the City Council. It seems to us that the various departments concerned with this site are not aware of the whole picture of what is happening on this very busy and important junction in Swaythling. It is certainly not in keeping with what should be permitted on such a busy junction - most days traffic coming up and down Burgess Road and turning into Langhorn Road is bumper to bumper from about 4 p.m. for several hours. Attracting the attention of drivers, electric scooter riders, etc will only lead to more future accidents and chaos.

Blake and Christine Shepherd

From: publicaccess@southampton.gov.uk
To: [Licensing](#)
Subject: Comments for Licensing Application 2024/04441/01SPRN
Date: 15 October 2024 18:55:43

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

Comments were submitted at 6:55 PM on 15 Oct 2024 from Ms Marianne Buttell.

Application Summary

Address: 298 Burgess Road Southampton SO16 3BJ

Proposal: Premises Licence

Case Officer: Tricia Young

[Click for further information](#)

Customer Details

Name: Ms Marianne Buttell

Email: [REDACTED]

Address: 26 Wellington Close, Dibden Purlieu, Southampton SO45 4RL

Comments Details

Commenter Type: Other

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 6:55 PM on 15 Oct 2024 These comments are being left on behalf of my elderly mother, who lives in close proximity to the premises.

We are concerned about the potential for an increase in noise (both by vehicles and those on foot) in the area as a result of alcohol sales and music, specifically as the licence application requests opening hours of 6am until 1am, 7 days a week, but in the most extreme cases, this will be between 6am and 3am the following morning.

We are concerned that the area already has extreme limitations on parking and this will make the over-subscription to the limited amount of spaces worse, or will result in illegal parking, or parking that will restrict access to the road by those who live in Langhorn Road. Both Burgess Hill and Langhorn Road are already busy with through-traffic. It is our belief this will make matters worse, particularly as both roads form part of major bus routes.

From: [Young, Tricia](#) on behalf of [Licensing](#)
To: [Idox DMS Licensing](#)
Subject: FW: Comments for Licensing Application 2024/04441/01SPRN -Valid Public Rep - Wendy Lagden
Date: 29 October 2024 08:58:38

From: publicaccess@southampton.gov.uk <publicaccess@southampton.gov.uk>
Sent: 29 October 2024 00:00
To: Licensing <Licensing@southampton.gov.uk>
Subject: Comments for Licensing Application 2024/04441/01SPRN

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

Comments were submitted at 12:00 AM on 29 Oct 2024 from Mrs Wendy Lagden.

Application Summary

Address: 298 Burgess Road Southampton SO16 3BJ
Proposal: Premises Licence
Case Officer: Tricia Young
[Click for further information](#)

Customer Details

Name: Mrs Wendy Lagden
Email: [REDACTED]
Address: 397 Burgess Road, Southampton SO16 3BL

Comments Details

Commenter Type: Neighbour
Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 12:00 AM on 29 Oct 2024 I do object to the excessive opening hours listed in the application. In particular after 11.00pm at night. The potential noise from any music being played between 06.00 and 11.00pm seven days a week is also a concern in this residential area. In addition the noise of customers visiting the shop late at night and into the early hours when the shop is open. 3.00am is beyond an acceptable hour of this shop being permitted to be open.

I don't have a problem with the opening hours falling in line with other retail shops in this area 6.00am - 11.00pm. There is already very limited parking in the surrounding area

for any deliveries or customers to the premises.

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.