

# Licensing (Licensing and Gambling) Sub-Committee

Wednesday, 2nd October, 2024  
at 1.30 pm

**PLEASE NOTE TIME OF MEETING**

Virtual Meeting

This meeting is open to the public

## **Members**

Three Members drawn from the Licensing Committee

## **Contacts**

Democratic Support Officer  
Joni Goodman  
Email: [Joni.Goodman@southampton.gov.uk](mailto:Joni.Goodman@southampton.gov.uk)

Executive Director Resident Services  
Debbie Ward  
Email: [Debbie.Ward@southampton.gov.uk](mailto:Debbie.Ward@southampton.gov.uk)

## **PUBLIC INFORMATION**

The Members of the Licensing Committee are Councillors M Bunday, Mrs Blatchford, Cooper, Cox, Kenny, Laurent, Moulton, Noon, Whitbread and Windle.

### **Role of the Sub-Committee**

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 2022-2030** sets out the four key goals:

- Strong Foundations for Life.- For people to access and maximise opportunities to truly thrive, Southampton will focus on ensuring residents of all ages and backgrounds have strong foundations for life
- A proud and resilient city - Southampton's greatest assets are our people. Enriched lives lead to thriving communities, which in turn create places where people want to live, work and study
- A prosperous city - Southampton will focus on growing our local economy and bringing investment into our city.
- A successful, sustainable organisation - The successful delivery of the outcomes in this plan will be rooted in the culture of our organisation and becoming an effective and efficient council.

**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 for the Municipal Year** 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 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 **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.

## 3 **STATEMENT FROM THE CHAIR**

## 4 **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)** (Pages 1 - 8)

To approve and sign as a correct record the Minutes of the meetings held on 14 August 2024 and 21 August 2024.

## 5 **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

At a predetermined point during the consideration of all items the Sub-Committee may move into private session in order to receive legal advice when determining issues. The parties to the hearing, press and public, unless otherwise excluded by the Licensing Act 2003 (Hearings) Regulations 2005, will be invited to return immediately following that private session at which time the matter will be determined and the decision of the Sub-Committee will be announced.

## 6 **APPLICATION FOR A NEW PREMISES LICENCE - BURGER KING 234-238 BURGESS ROAD SO16 3AU** (Pages 9 - 34)

Tuesday, 24 September 2024

Executive Director Communities, Culture & Homes

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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 14 AUGUST 2024

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Present: Councillors M Bunday, Laurent and Windle

Apologies: Councillors

12. **ELECTION OF CHAIR**

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

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

**RESOLVED:** that the minutes for the Sub- Committee meeting on 24 July 2024 be approved and signed as a correct record.

14. **EXCLUSION OF THE PRESS AND PUBLIC**

The Chair moved that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005, the hearing should proceed with the press and public excluded. The information contained therein relates to allegations relating to criminal offences and personal details and the public interest in doing so outweighed the public interest in the hearing in accordance with Regulation 14.

**RESOLVED** that having applied the public interest test the hearing should proceed with the press and public excluded.

15. **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 decision of the Sub-Committee announced.

16. **APPLICATION FOR REVIEW OF PREMISES LICENCE -SP STAR, 107 VICTORIA ROAD, SOUTHAMPTON SO19 9DZ**

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

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

The Sub-Committee determined that the hearing should proceed with the press and public excluded. This decision was made in accordance with the Licensing Act 2003 (Hearings) Regulations 2005. The papers contain personal details, and it was determined that the public interest in doing so outweighed the public interest in the hearing in accordance with Regulation 14.

The Sub-Committee has considered very carefully the application by Hampshire & Isle of Wight Constabulary for a review of a premises licence for SP Star, 107 Victoria Road, Southampton, SO19 9DZ as submitted in the report of the Service Director - Place.

It has given due regard to the Licensing Act 2003, statutory guidance and the Licensing Objectives 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 have been considered whilst making the decision.

The Sub-Committee considered the application as submitted and heard representations from PC Paul Dimmer and Mr Wallsgrove on behalf of the premises licence holder.

The Sub-Committee considered the representations, both written and given orally today, by all parties. The Sub-Committee noted that agreement had been reached so that the police were content for the licence to continue with additional agreed conditions.

**RESOLVED** In light of all the above the Sub-Committee decided that the premises licence should continue with the addition of the following conditions:

1. Sudhir Bhujanga Patil be removed as the designated premises supervisor.
2. Sudhir Bhujanga Patil is not permitted to enter the premises whilst it is open to the public.
3. Sudhir Bhujanga Patil shall have no involvement in any aspect of the management of the premises.
4. Sudhir Bhujanga Patil will surrender his personal licence.

## **REASONS**

The Sub-Committee was extremely concerned with regard to a serious offence being perpetrated on licensed premises by the premises licence holder. Considering the Statutory Guidance revocation would be the start point in a case such as this.

However, as was pointed out, the proposed conditions and those now put on the licence remove the person responsible for the issues leading to the review from all relevant involvement in the premises.

The Sub-Committee was concerned that implementation of its decision and therefore the additional conditions will be delayed by 21 days but accept that is the way the legislation is phrased. It is anticipated that enforcement officers will monitor the premises during this period.

The Sub-Committee expects that these additional conditions together with all existing conditions will be complied with going forward. To that end it noted that staff have now been trained on accessing the CCTV system and use of the refusals and incident log. Again it is anticipated that enforcement officers will ensure ongoing compliance.



Whilst this was a difficult decision and the Sub-Committee is not entirely comfortable with it, it is a pragmatic solution that deals with the problem and ensures control of the premises remains with the licensing authority.

To sum up, the decision is that the premises licence should continue with the addition of the following conditions:

1. Sudhir Bhujanga Patil be removed as the designated premises supervisor.
2. Sudhir Bhujanga Patil is not permitted to enter the premises whilst it is open to the public.
3. Sudhir Bhujanga Patil shall have no involvement in any aspect of the management of the premises.
4. Sudhir Bhujanga Patil will surrender his personal licence.

There is a right of appeal to the Magistrates' Court for all parties and formal written notification of the decision 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 21 AUGUST 2024

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Present: Councillors M Bunday, Cooper and Moulton

17. **ELECTION OF CHAIR**

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

18. **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 decision of the Sub-Committee announced.

19. **HEARING TO CONSIDER AN APPLICATION FOR GRANT OF A PREMISES - GRANARY STORE TO MANSION ROAD SO153BJ**

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 considered very carefully the application for grant of a premises licence for Granary Store 2 Mansion Road, Southampton, SO15 3BJ as submitted.

It gave 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 were considered whilst making the decision.

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 heard from Mr Suresh Kanapathi the Applicant's Agent and the Applicant Mr Ratheesh Odalanickal.

The Sub-Committee noted that none of the Responsible Authorities attended the Hearing, but that conditions had been agreed by the Police and Environmental Health with the applicant, to be added to the licence, should the application be granted. The residential objector Mr Webb did not attend but his written objection was considered.

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

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

In addition the licence will be subject to the additional conditions contained in an email from Matthew Taylor Principal Environmental Health Officer to the Applicant's Agent dated 16<sup>th</sup> July 2024.

The licence will also be subject to the additional conditions set out in an email from PC Lee Scott to the Applicant's Agent dated 9<sup>th</sup> July 2024.

**Reasons:**

The Sub-Committee noted the concerns of the local resident about the proximity to a local school and potential problems regarding the sale of alcohol. Questions were asked of the Applicant regarding potential for underage sales and training. The Sub-Committee was satisfied with the responses provided as to the adoption of Challenge 25 and the training that would be provided to all staff.

Questions were also asked regarding the CCTV system and its immediate availability on request. The Sub-Committee was satisfied that all staff will be able to provide access to the CCTV system when required.

The Sub-Committee was reminded that the Police and Environmental Health were satisfied that conditions had been agreed with the applicant and therefore did not attend the hearing. They would be the proper authority to make representations regarding crime and noise.

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. The residential objection received did amount to speculation.

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.

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# Agenda Item 6

**DECISION-MAKER** LICENSING (LICENSING & GAMBLING) SUB COMMITTEE

**SUBJECT** HEARING TO CONSIDER AN APPLICATION FOR GRANT OF A PREMISES LICENCE – **Burger King 234 - 238 Burgess Road Southampton SO16 3AU**

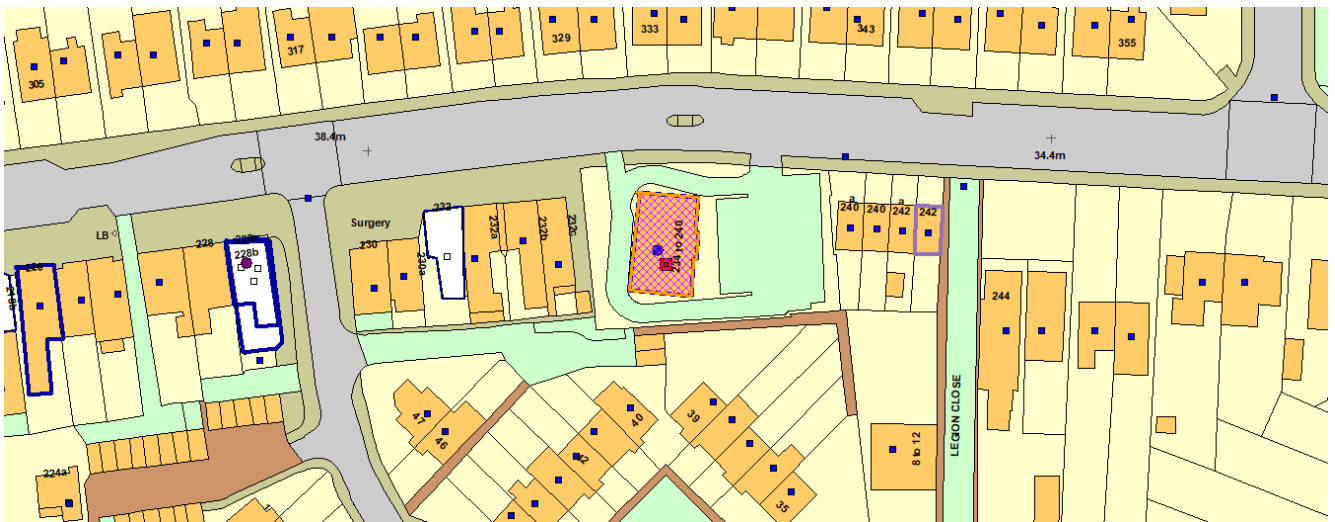
**DATE OF HEARING** 2nd October 2024 at 13.30 hrs

**REPORT OF** SERVICE DIRECTOR – PLACE

**E-mail** licensing@southampton.gov.uk

Application Date : 12th August 2024      Application Received 12th August 2024

Application Valid : 12th August 2024      Reference : **2024/03664/01SPRN**



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## ***Representations from Responsible Authorities***

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

Public Health Manager	No Response	
Planning & Sustainability - Development Control - Licensing	Unsatisfactory	
Police - Licensing	Satisfactory	
Trading Standards	No Response	
<b>Other Representations</b>		
<b>Name</b>	<b>Address</b>	<b>Contributor Type</b>
Mrs Lorna Fielker	Lower Ground Floor East Wing Civic Centre Municipal Block Civic Centre Road Southampton SO14 7LY	<b>Ward Councillor</b>

## ***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 up 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 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 new premises licence at an already established fast food premises who are now applying to trade 24 hours 7 days a week.

<b>Applicant</b>	BKUK Group Ltd
<b>Designated Premises Supervisor</b>	Not applicable

### **Licensable Activities.**

Provision of late night refreshment	
Monday	23:00 - 05:00
Tuesday	23:00 - 05:00
Wednesday	23:00 - 05:00
Thursday	23:00 - 05:00
Friday	23:00 - 05:00
Saturday	23:00 - 05:00
Sunday	23:00 - 05:00

This application has received one representation from a Ward Councillor and representations from two responsible authorities.

**Included in Report**

Application

Offered Conditions

Plan

Planning Representation

Environmental Health Representation

1 Public Representation (Cllr)

Procedure Notes

**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.

**We** BKUK Group Limited

**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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Burger King 238 Burgess Rd			
<b>Post town</b>	Southampton	<b>Post code</b>	SO16 3AU

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£Not Listed – Band C

**Part 2 - Applicant Details**

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

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  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  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:

Please tick yes

- 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 old or over						I am 18 years <input type="checkbox"/> Please tick yes				
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 old or over						I am 18 years <input type="checkbox"/> Please tick yes				
Nationality										
Current residential address if different from premises address										

<b>Post Town</b>		<b>Postcode</b>	
<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>			
<b>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)</b>			

**(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.

<b>Name</b> BKUK Group Limited
<b>Address</b> 5 New Street Square London EC4A 3TW ENGLAND
<b>Registered number (where applicable)</b> 10980808
<b>Description of applicant (for example, partnership, company, unincorporated association etc.)</b> Limited Company
<b>Telephone number (if any)</b> [REDACTED]
<b>E-mail address (optional)</b>

**Part 3 Operating Schedule**

When do you want the premises licence to start? Day Month Year  
A | S | A | P | | | |

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

**A**

<p>Please give a general description of the premises (please read guidance note 1)</p> <p>Burger King is known for serving high-quality, great-tasting, and affordable food. Founded in 1954, Burger King is the second largest fast food hamburger chain in the world. The commitment to premium ingredients, signature recipes, and family-friendly dining experiences is what has defined the brand for more than 50 successful years</p>
--

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

N/A

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

(Please see sections 1 and 14 of the Licensing Act 2003 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**

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

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>	

Mon			<b>Please give further details here</b> (please read guidance note 4)
Tue			
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)
Thur			
Fri			<b>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</b> (please read guidance note 6)
Sat			
Sun			

**C**

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

**D**

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

Fri			<b><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></b> (please read guidance note 6)
Sat			
Sun			

**E**

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

**F**

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



**G**

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

**H**

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

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)					
Mon	23:00	05:00						
Tue	23:00	05:00						
Wed	23:00	05:00				<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Thur	23:00	05:00						
Fri	23:00	05:00				<b>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</b> (please read guidance note 6)		
Sat	23:00	05:00						
Sun	23:00	05:00						

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon					
Tue					
Wed			<b>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</b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

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

Name N/A
Date of birth N/A

<b>Address</b> N/A	
<b>Postcode</b>	N/A
<b>Personal Licence number (if known)</b> N/A	
<b>Issuing licensing authority (if known)</b> N/A	

**K**

<p><b>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</b> (please read guidance note 9) N/A</p>
--

**L**

<p><b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)</p> <table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td>24 Hours</td> <td></td> </tr> <tr> <td>Tue</td> <td>24 Hours</td> <td></td> </tr> <tr> <td>Wed</td> <td>24 Hours</td> <td></td> </tr> <tr> <td>Thur</td> <td>24 Hours</td> <td></td> </tr> <tr> <td>Fri</td> <td>24 Hours</td> <td></td> </tr> <tr> <td>Sat</td> <td>24 Hours</td> <td></td> </tr> <tr> <td>Sun</td> <td>24 Hours</td> <td></td> </tr> </tbody> </table>	Day	Start	Finish	Mon	24 Hours		Tue	24 Hours		Wed	24 Hours		Thur	24 Hours		Fri	24 Hours		Sat	24 Hours		Sun	24 Hours		<p><b>State any seasonal variations</b> (please read guidance note 5)</p>
	Day	Start	Finish																						
	Mon	24 Hours																							
	Tue	24 Hours																							
	Wed	24 Hours																							
	Thur	24 Hours																							
	Fri	24 Hours																							
	Sat	24 Hours																							
	Sun	24 Hours																							
<p><b><u>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</u></b> (please read guidance note 6)</p>																									

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

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

Please see the attached condition list.
---

**b) The prevention of crime and disorder**

Please see the attached condition list.
---

**c) Public safety**

Please see the attached condition list.

**d) The prevention of public nuisance**

Please see the attached condition list.

**e) The protection of children from harm**

Please see the attached condition list.

**Please tick yes**

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because the application has been made in relation to the introduction of the late night levy
- 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).

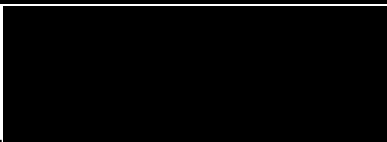
**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**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 11). **If signing on behalf of the applicant please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"><li>• [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 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</li></ul>
--------------------	--

	<p>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"> <li>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)</li> </ul>
Signature	
Date	07/08/2024
Capacity	Poppleston Allen – Solicitors for and on behalf of the applicant

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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	

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)</b>			
Poppleston Allen Solicitors 37 Stoney Street The Lace Market			
<b>Post town</b>	Nottingham	<b>Post code</b>	NG1 1LS
<b>Telephone number (if any)</b>			
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>			
			

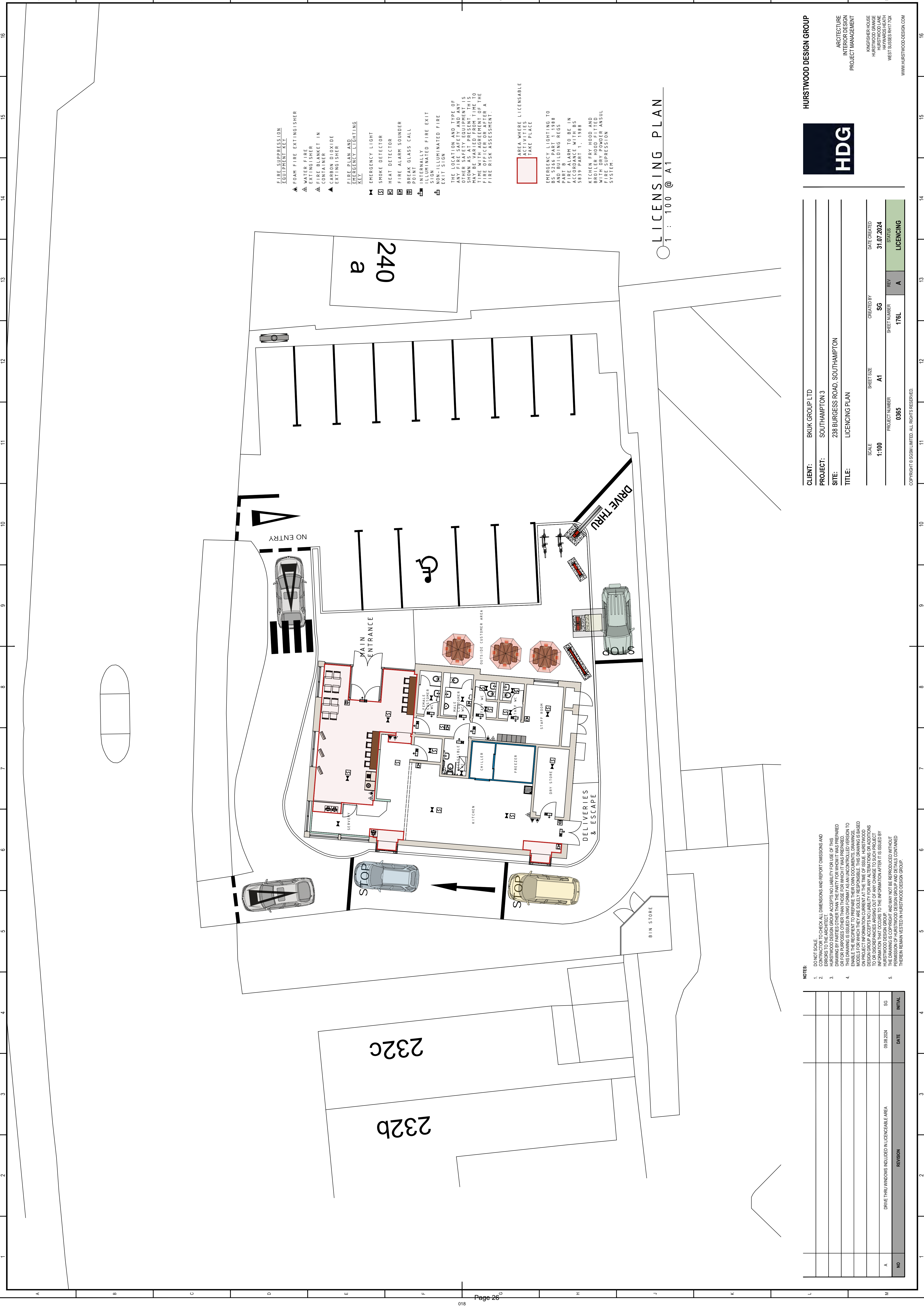
### Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:

### **Burger King – Premises Licence 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 be publicly available at all times the premises is open. This telephone number and/or 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.



- FIRE SUPPRESSION EQUIPMENT KEY**
- ▲ FOAM FIRE EXTINGUISHER
  - ▲ WATER FIRE EXTINGUISHER
  - ▲ FIRE BLANKET IN CONTAINER
  - ▲ CARBON DIOXIDE EXTINGUISHER
- FIRE PLAN AND EMERGENCY LIGHTING KEY**
- ☒ EMERGENCY LIGHT
  - ☒ SMOKE DETECTOR
  - ☒ HEAT DETECTOR
  - ☒ FIRE ALARM SOUNDER
  - ☒ BREAK GLASS CALL POINT
  - ☒ INTERNALLY ILLUMINATED FIRE EXIT SIGN
  - ☒ NON-ILLUMINATED FIRE EXIT SIGN
- THE LOCATION AND TYPE OF ANY FIRE SAFETY AND ANY OTHER SAFETY EQUIPMENT IS TO BE DETERMINED AT THE TIME WITH AGREEMENT OF THE FIRE OFFICER AFTER A FIRE RISK ASSESSMENT.
- AREA WHERE LICENSABLE ACTIVITIES TAKE PLACE**
- EMERGENCY LIGHTING TO BS 5266 PART 1, 1988 AND BUILDING REGS PART B ALARM TO BE IN ACCORDANCE WITH BS 5839 PART 1, 1988
- KITCHEN FRY HOOD AND BROILER HOOD FITTED WITH DRY POWDER ANSUL FIRE SUPPRESSION SYSTEM.

LICENSING PLAN  
1 : 100 @ A1

**HURSTWOOD DESIGN GROUP**

**HDG**

ARCHITECTURE  
INTERIOR DESIGN  
PROJECT MANAGEMENT

KINGSFERRY HOUSE  
HURSTWOOD GRANGE  
HURSTWOOD LAKE  
WEST SUSSEX RH17 7ZA  
WWW.HURSTWOODDESIGN.COM

CLIENT:	BKUK GROUP LTD
PROJECT:	SOUTHAMPTON 3
SITE:	238 BURGESS ROAD, SOUTHAMPTON
TITLE:	LICENSING PLAN
SCALE:	1:100
SHEET SIZE:	A1
CREATED BY:	SG
DATE CREATED:	31.07.2024
PROJECT NUMBER:	0865
SHEET NUMBER:	176L
REV:	A
STATUS:	LICENSING

**NOTES:**

- DO NOT SCALE.
- CONTRACTOR TO CHECK ALL DIMENSIONS AND REPORT OMISSIONS AND DISCREPANCIES TO ARCHITECT IMMEDIATELY.
- HURSTWOOD DESIGN GROUP ACCEPTS NO LIABILITY FOR USE OF THIS DRAWING BY PARTIES OTHER THAN THE PARTY FOR WHOM IT WAS PREPARED OR FOR PURPOSES OTHER THAN THOSE FOR WHICH IT WAS PREPARED.
- THESE DRAWINGS ARE THE PROPERTY OF HURSTWOOD DESIGN GROUP AND ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED ON THESE DRAWINGS. ANY UNAUTHORIZED REPRODUCTION OR ALTERATION OF THESE DRAWINGS IS STRICTLY PROHIBITED.
- PERMISSION OF HURSTWOOD DESIGN GROUP AND DETAILS CONTAINED THEREIN REMAIN VESTED IN HURSTWOOD DESIGN GROUP.

NO	REVISION	DATE	INITIAL
A	DRIVE THRU WINDOWS INCLUDED IN LICENSABLE AREA	09.08.2024	SG



**From:** [Young, Tricia](#)  
**To:** [Idox DMS Licensing](#)  
**Subject:** FW: New Premises Licence - Burger King, 234-238 Burgess Rd, SO16 3AU - 2024/03664/01SPRN - Planning Representation - Objection  
**Date:** 14 August 2024 10:48:46  
**Attachments:** [REDACTED]

---

**From:** Brooks, Stuart [REDACTED]  
**Sent:** Tuesday, August 13, 2024 9:39 AM  
**To:** Licensing [REDACTED] >  
**Subject:** RE: New Premises Licence - Burger King, 234-238 Burgess Rd, SO16 3AU - 2024/03664/01SPRN

Hi Tricia,

An objection is raised to this application due to amenity and nuisance concerns regarding the 24 hour use and early morning hours in a residential area.

Kind Regards,

Stuart Brooks  
Senior Planning Officer  
Transport and Planning Service  
**Southampton City Council**

[REDACTED]  
[REDACTED]

---

**From:** Young, Tricia <[Tricia.Young@southampton.gov.uk](mailto:Tricia.Young@southampton.gov.uk)> **On Behalf Of** Licensing  
**Sent:** Monday, August 12, 2024 11:09 AM  
**To:** licensing [REDACTED] <[REDACTED]>; Food Safety [REDACTED] <[REDACTED]>; CsProtection Admin [REDACTED] <[REDACTED]>; Trading Standards [REDACTED] <[REDACTED]>; Planning [REDACTED] <[REDACTED]>; Safeguarding Children Licensing [REDACTED] <[REDACTED]>; Public Health <[REDACTED]> ISD Alcohol Licensing [REDACTED] <[REDACTED]>  
**Subject:** New Premises Licence - Burger King, 234-238 Burgess Rd, SO16 3AU - 2024/03664/01SPRN

Please find attached the New application for above.

The last date for representation is **09 September 2024**.

Tricia Young  
Licensing Officer

Please note I am only in the office on Monday, Tuesday and Thursday at the present time

**Southampton and Eastleigh Licensing Partnership**  
**Southampton City Council**  
Tel: 023 8083 4209

[Redacted]

**From:** Alex Tomlinson [Redacted] >  
**Sent:** Monday, August 12, 2024 10:06 AM  
**To:** Licensing [Redacted] >  
**Cc:** McGuinness, Ian [Redacted] >  
**Subject:** New Premises Licence - Burger King, 238 Burgess Rd, Southampton  
PCX:000073000002007

**This Message Is From an External Sender** [Report Suspicious](#)  
This message came from outside your organisation.

Good morning Licensing,

I hope you are well.

Please find attached an application form, layout plans and premises licence conditions for a premises licence application.

Please let me know the best way to make the appropriate payment.

Please do confirm receipt.

Many thanks  
Alex



Alex Tomlinson | Solicitor  
**Poppleston Allen**

**E:** [Redacted]

**Nottingham Office:** 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS

**Cybercrime notification:** Our bank account details will NOT change during the course of a transaction. Please speak to us before transferring any money. We will not take responsibility if you transfer money to an incorrect bank account. If you receive an email from Poppleston Allen requesting your bank details or purporting to amend our bank details, please contact us, or your solicitor, as appropriate, by telephone immediately to clarify.

Authorised and Regulated by the Solicitors Regulation Authority (SRA No: 78244). The professional rules to which we are subject are the

**From:** [Taylor, Matthew](#)  
**To:** [Licensing](#)  
**Subject:** Burger King, Burgess Road  
**Date:** 05 September 2024 10:56:10

---

Dear Licensing,

Yesterday I met with Alex Tomlinson from Poppleston Allen with Phil Bates and Ian McGuinness

It was a productive meeting, I was able to explain my concerns regarding opening hours and the probable negative effect this will have for local residential properties.

I note that residential properties overlook the drive thru of this business. I recognise that this application is for the drive thru to be used until 5am 7 days a week.

The car park will also be open to the public during this time.

I have concerns that members of the public and delivery drivers using the drive thru until 5am will cause a nuisance for local residents.  
Members of the Public and Delivery Drivers using the car park until early in the morning are also likely to cause nuisance to local residents.

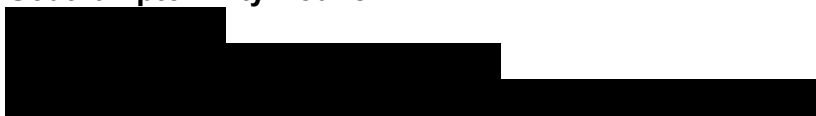
For the above 2 reasons I wish to make a representation against this application.

During the conversation, Poppleston Allen specified that there maybe the opportunity to amend the days and hours applied for.

Adequately amending the days and hours may mean that local residents may not be affected by the changes proposed. I may therefore be willing to remove my representation, however Alex was not able to confirm amended hours at the time of the conversation and will need to talk to the applicant in the first instance.

I therefore wish to make a representation at this time and will be prepared to make my representation at the licensing board should the need arise.

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



**From:** [Young, Tricia](#) on behalf of [Licensing](#)  
**To:** [Idox DMS Licensing](#)  
**Subject:** FW: Comments for Licensing Application 2024/03664/01SPRN -Valid Rep - Cllr Fielker  
**Date:** 14 August 2024 16:13:20

---

---

**From:** publicaccess@southampton.gov.uk [REDACTED]  
**Sent:** Wednesday, August 14, 2024 2:52 PM  
**To:** Licensing [REDACTED] >  
**Subject:** Comments for Licensing Application 2024/03664/01SPRN

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

Comments were submitted at 2:52 PM on 14 Aug 2024 from Mrs Lorna Fielker.

### Application Summary

**Address:** 234 - 238 Burgess Road Southampton SO16 3AU  
**Proposal:** Premises Licence  
**Case Officer:** Tricia Young  
[Click for further information](#)

### Customer Details

**Name:** Mrs Lorna Fielker  
**Email:** [REDACTED]  
**Address:** Lower Ground Floor East Wing, Civic Centre Municipal Block, Civic Centre Road, Southampton SO14 7LY

### Comments Details

**Commenter Type:** Consultee

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

**Comments:** 2:52 PM on 14 Aug 2024 I minded to object to this licence due to the restaurant being in a highly residential area and it is not in keeping with the closing hours of other takeaway outlets in the vicinity.

If it is minded to approve a licence I would like to request that a condition of the licence is that the outdoor seating is removed to reduce noise associated with the hours of operation. The use of the outdoor seating area post 11pm by delivery driver, waiting to collect, or staff members on breaks, particularly through the warm summer months, would create noise which would disturb local residents.

### **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.