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SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 24 APRIL 2024

Present: Councillors M Bunday, Kenny and Windle

20. **ELECTION OF CHAIR**

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

21. **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

Councillor Windle declared herself as an appointed Trustee of Thorners Almshouses, where some of the objectors were residents. The Councillor attends Trustees meetings, however, none of the residents who had submitted representations had approached Councillor Windle or her Ward colleagues on this matter and so Councillor Windle attended the meeting with no pre-conceptions.

22. **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

RESOLVED that the Sub-Committee move into private session in order to receive legal advice when determining issues, the parties to the hearing, press, and 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.

23. **APPLICATION FOR A NEW PREMISES LICENCE - MUMBAI STREET KITCHEN, 22 BEDFORD PLACE, SOUTHAMPTON SO15 2DB**

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

The Sub-Committee considered very carefully the application as submitted for a new premises licence at Mumbai Street Kitchen, 22 Bedford Place, Southampton, SO15 2DB.

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 Crime and Disorder Act 1998 and the Equality Act 2010 were borne in mind whilst making the decision. Representations by all the parties present at the hearing as well as written representations were also fully taken into consideration.

The Sub-Committee noted that conditions had been agreed by Hampshire Constabulary and Environmental Health with the Applicant. No other responsible authorities had made representations. Five residents had made representations.

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

11-00 a.m. to 23:00 p.m. every day; with the same opening hours for the premises.

The Sub-Committee heard oral evidence from the applicant and from three of the residents. The written representations were also considered.

Having considered all of the above, the Sub-Committee:

RESOLVED to grant the premises license in accordance with the amended application and subject to the conditions agreed with Hampshire Constabulary and Environmental Health. These were set out in the email from Matt Taylor of Environmental Health to the applicant dated 1st March 2024 and the email from PC Hawley to Licensing dated 28th February 2024.

Reasons

This was an application for a new premises in a cumulative impact area.

The Sub-Committee received legal advice that the presumption of grant of a licence, in the legislation is reversed in a cumulative impact area so that it can only grant the application if concerns raised cannot be met by conditions and a grant will not adversely add to the impact in the area.

Advice was also received that, in line with the statutory guidance, as responsible authorities Hampshire Constabulary and Environmental Health should be deemed to be experts in their field. Both had agreed conditions, which in their view met the licensing objectives.

The Sub-Committee carefully considered the written objections and oral representations made at the hearing.

Generally, residents were concerned that the grant of a Premises Licence would lead to an increase in public nuisance, crime and anti-social behaviour.

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

The Sub-Committee formed the view that the applicant had lengthy, good experience in running restaurants and believed the premises would be responsibly and well run. Conditions provide for signage requesting that patrons leave quietly. However, beyond that the premises is not responsible for what those patrons may then do or where they may then go.

The premises licence in place allowed patrons to bring in their own alcohol and the Sub-Committee agreed that this unregulated activity was much more difficult to control than direct sales by the premises. A premises licence is likely to lead to less alcohol

intake with greater control by the premises and would therefore not adversely add to the impact in the area.

The Sub-Committee noted that the applicant was keen to work with local residents and other premises and recommended that it does so, perhaps providing a point of contact for any issues that may arise so that they can be addressed quickly.

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

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

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