

HRA Committee Notes
11 January 2022



As the January Committee Meeting was cancelled due to concerns over Covid transmission, these notes are in lieu of minutes.

1. **Welcome:** A happy and healthy new year to all Committee members from the Chair and Secretary.
2. **Minutes:** The Minutes from the 14 December 2021 Committee Meeting had been distributed to all Committee Members. No comments had been received.
3. **Information from Councillors:** Councillor Cooper sent the following link to the latest Southampton Safe City Assessment which, amongst other things, provides detailed information about crime rates in Southampton. These are all public documents which may be of interest to HRA members.

<https://data.southampton.gov.uk/community-safety/safe-city-assessment/>

4. **University Liaison:** The Planning Application for the extension to the Jubilee Sports Centre had been submitted, Ref: 21/01869/FUL. HRA will be submitting a supportive statement.

5. Planning update

- a. 34 Crofton Close. Stephen Harrison (SCC Development Manager) replied to Cllr Moulton stating that it would not be reasonable to serve a Stop Notice on the homeowner until SCC were fully informed of the facts as this could be a waste of resources.. The Planning Enforcement team have made contact with the homeowner to ascertain the extent of the works. If it was found that development requiring planning permission had taken place planning enforcement action would be pursued where it was expedient to do so. Should it be found that unauthorised development had taken place, then the council would invite the homeowner to submit a retrospective planning application.
- b. In December the Secretary had submitted an objection to a Prior Approval for Planning Application 21/01702/TCC the installation of telecommunications equipment including 15m high monopole, equipment cabinets and ancillary works to facilitate 5G network. Land adjacent Avenue Court The Avenue Southampton. The decision was published on 10 January 2022. The Application had been refused and the HRA objection statement had been quoted in full in the decision paper.
- c. In December the Secretary had submitted an HRA objection to a Licence Application for the serving of alcohol and live music for the Design Chapel, which is a business venue, at the Old Cemetery. Unfortunately the HRA objection had been submitted without access to the actual application as the council Licensing pages were unavailable on the council website at the time. As such, the objection was written without full knowledge of the facts and therefore did contain unavoidable inaccuracies.

The Secretary attended the virtual Licence Panel Hearing on 12 January. At the start of the meeting, the applicant was invited by the Chair (Cllr Galton) to make an additional statement to counter false rumours about the application and, which it seems, were not able to be submitted with the application. It was not explained why this information had not been available when the Licence Application had been originally submitted.

The applicant confirmed that he had been the leaseholder of the Chapel for 17 years and it was used as a business venue. He has always looked after the building and secured the structure from a disrepaired state. There have been no complaints of any kind during his tenure. He is currently allowed to serve drinks if it is his own business meeting or event. However, if he is letting out the space to another business or community group, that group would not be allowed to serve alcohol or have ambient live music. The example he gave was a cello to accompany a presentation and a glass of wine at the end. He wanted to increase his opportunities to make more financial use of the space, and he had been advised (by Licensing) that he needed a Premises Licence. The Premises Licence for Alcohol and Live Music Licence seems to be generic, so although he did not want to hire the space beyond 21:00h, the accepted licence hours for such a licence are to 23:00h. There was never any intention to sell alcohol, have bands or become a nightclub venue or ever be open to the public. Exaggerations and falsehoods had been spread on various social media platforms and this had caused great distress.

The virtual meeting had almost 50 people registered, many of whom were new users to Microsoft Teams and didn't know how to control either their microphones or cameras. There were many interruptions and inappropriate questions raised at the wrong time. After 1 hour 45 mins, the Secretary was unable to stay to the end of the meeting.

The Panel granted the Licence which is attached to the end of the Committee Note. There was a condition of reduced hours, "All licensable activity to take place within the hours of: Monday to Sunday – 1600 hours to 2100 hours."

6. Reports

- a. **Finance** –Martin reported: Current Account balance £8,300.48. Reserve Account balance £10,00.91.
- b. **Membership** – Nicolla reported that 2021 had finished with 385 paid-up members. For Payment of HRA membership by BACS go to:
<https://www.highfieldresidents.org.uk/join-renew/>

7. **Facebook:** Nadine reported that HRA now has 745 followers; an increase of 2 since the last meeting on 14 December 2021.

Website: nothing new to report.

Crime information sharing WhatsApp group: There have been 8 incident report logs. These include: the theft of building materials from a house in Welbeck Avenue with good CCTV images captured; a number of bicycles stolen from a house in Grosvenor Road; an anti-social behaviour incident with cycling on the pavement in Portswood; the theft of a camper van which Police believe is a professional job and warn camper van owners to be careful; an open fire in the yard of a house in Brookvale Road which one of the Ward Councillors followed up.

**The next Committee Meeting is due to be held on Tuesday 8 February at 19:00h
at Highfield Church Hall Lounge**

**LICENSING (LICENSING AND GAMBLING) SUB – COMMITTEE
DECISION OF THE MEETING HELD ON 12 JANUARY 2022
HEARING TO CONSIDER AN APPLICATION FOR GRANT OF A
PREMISES LICENCE – DESIGN CHAPEL
CEMETERY ROAD, SOUTHAMPTON SO15 7AF**

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

This hearing was held as a virtual meeting using Microsoft Teams and was streamed live online for the press and public to view via the Live Events platform.

Due regard has been given to the provisions of the Licensing Act 2003, including the statutory licensing objectives, the statutory guidance and the City Council's adopted statement of licensing policy.

The Crime and Disorder Act 1998 Section 17, The Human Rights Act 1998, and the Equality Act 2010 have been borne in mind by the Sub Committee whilst making their decision.

The Sub-Committee has considered very carefully the report of the Service Director – Communities, Culture and Homes and all representations received in writing prior to the hearing, including an additional statement provided to the panel on 11 January 2022. The Sub-Committee has considered all verbal representations made to it at the hearing.

The Sub-Committee has duly noted that no representations have been received from the Responsible Authorities.

The Sub-Committee accepted legal advice provided during the course of the hearing, that planning considerations and the requirements of the lease could not be taken into consideration. Legal advice was further provided in order to clarify the legislative requirements for a premises licence.

In light of all of the above, the Sub-Committee:

RESOLVED to grant the premises licence with reduced hours as follows:-

All licensable activity to take place within the hours of:

Monday to Sunday – 1600 hours to 2100 hours.

Reasons

The Sub-Committee is mindful that the legislation specifically restricts the grounds on which it 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

The Sub-Committee considered 72 written representations and all oral representations at the hearing. Further, it noted that no representations were made by any of the Responsible Authorities.

The Sub-Committee was mindful that the application for live and recorded music and alcohol sales between the hours of 1200 and 2300, seven days a week at the Design Chapel within Southampton Cemetery had been met with strong local opposition.

The Sub-Committee, while not tasked with planning applications and, with no authority over them, noted the intended use of the premises had been agreed upon condition and to date business at the Chapel had not intruded upon the peace of the area surrounding the Chapel. A number of Representors congratulated the Applicant on his management and upkeep of the Chapel over the past seventeen years.

The Sub-Committee noted in several representations the repeated belief that the premises licence, if granted, would be inappropriate, and would likely be incommensurate with those wishing to use the Cemetery for solace and quiet contemplation.

The representations objecting to the premises licence centred on matters concerning the potential for a breach of licensing objectives.

Members of the public should be assured that where a licence is granted, an application for a review of that licence can be made where there is evidence that the objectives are not being met. Public safety within the grounds of the Cemetery was raised as a concern, given that there is no lighting in the area of the Chapel after dark.

The Sub-Committee noted steps that the Applicant had taken to prevent any breach of the licensing objectives. Further, it was assured of the intention of the Applicant to provide guidance to those who book use of the facility.

The Sub-Committee also noted that the venue is not to be open to the public and will operate a booking procedure and limit numbers attending events. The Applicant has also stated that no children are to be invited to events as they are business meetings.

All things taken into consideration the Sub-Committee felt that the application should be granted subject to the reduced hours.

Recommendations

In view of issues raised by Representors, the Sub-Committee strongly recommends that the licence holder is cautious about the type of events and the nature of appropriacy of events permitted and that they are not allowed to cause nuisance or disturbance within the Cemetery. The Sub-Committee noted reports of apparent misinformation on social media concerning the application. This was not helped by an IT issue preventing the application being viewed for a short period. However, the Sub-Committee was satisfied that all statutory requirements have been met. Further, the application form that was completed by the Applicant is a standard legal form. 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.