
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 8 September 2011

Present: Councillors Cunio, Osmond and Willacy

Apologies: Councillor Drake and Councillor Parnell

26. **ELECTION OF CHAIR**

RESOLVED that Councillor Willacy be appointed Chair for the purposes of this meeting.

27. **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

The Panel noted that Councillors Willacy and Osmond were in attendance as nominated substitutes for Councillors Parnell and Drake respectively, in accordance with Council Procedure Rule 4.3.

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

RESOLVED that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the press and public be excluded at a predetermined point whilst the Sub-Committee reach its decisions.

29. **APPLICATION FOR A REVIEW OF A PREMISES LICENCE - FOUNDRY LANE FOOD MARKET, FOUNDRY LANE, SO15 3LE**

The Sub-Committee considered the application by Trading Standards for a review of a premises licence in respect of Foundry Lane Food Market, Foundry Lane, Southampton, SO15 3LE. (Copy of report circulated with agenda and appended to signed minutes).

Mr Chotai, Premises Owner and Mr L Marshall, Trading Standards were present and with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

RESOLVED

- (i) that the following agreed conditions had been implemented to the satisfaction of Trading Standards:-

- the premises licence holder shall keep complete records such as invoices, receipts and delivery notes relating to alcohol sales to the satisfaction of Trading Standards and these details must be available on request of Responsible Authorities within 24 hours. The premises licence holder must be able to identify who supplied the alcohol present at the premises; and
- the installation of a CCTV system to the satisfaction of Trading Standards; and

(ii) that the request for a suspension for a period of one month be refused.

REASONS

The Sub-Committee considered carefully the application for a review of the premises licence and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of licensing policy and representations made, both written and given orally by all parties.

The Sub-Committee considered the sale of counterfeit alcohol to be an extremely serious matter and in all circumstance would take such steps as necessary and proportionate to address this issue.

The Sub-Committee considered this case to be somewhat unusual in the facts presented and was satisfied that on the evidence of the premises licence holder this was a lapse in judgement and not a continued course of conduct, given that:-

- the premises licence holder had co-operated with Trading Standards and had already implemented the additional CCTV provision and recording provision at the premises; and
- the premises licence holder had not had any previous issues in running the premises over a considerable period and was of good character.

In light of the above, the Sub-Committee determined not to impose a suspension as it felt that imposition of the conditions would satisfactorily address the licensing objectives at risk and that a deterrent was not necessary in this case. In conclusion, it was stressed that further issues or breaches in relation to the premises would likely lead to a further review where this matter may be taken into consideration.

30. **APPLICATION FOR A REVIEW OF A PREMISES LICENCE - POLISH SHOP U KRZYCHA, 192A SHIRLEY ROAD, FREEMANTLE, SO15 3FN**

The Sub-Committee considered the application by Trading Standards for a review of a premises licence in respect of Polish Shop U Krzycha, 192A Shirley Road, Freemantle, Southampton, SO15 3FN. (Copy of report circulated with agenda and appended to signed minutes).

Mr L Marshall, Trading Standards was present and with the consent of the Chair, addressed the meeting.

In the absence of the premises licence holder, the Sub-Committee determined to proceed, after having checked that papers had been served and the premises licence holder was not in the building.

The Sub-Committee considered the decision in confidential session in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

RESOLVED that the premises licence be revoked.

REASONS

The Sub-Committee considered carefully the application for a review of the premises licence, giving due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of licensing policy and evidence submitted, both written and given orally.

The Sub-Committee noted the continuing breaches regarding the sale of non-duty paid alcohol and tobacco at the premises and that previous warnings, including a formal caution had been issued to the premises licence holder with little effect.

It was further noted that the premises licence holder had attempted to evade enforcement action by refusing the sale of alcohol and tobacco to English speaking customers.

The Sub-Committee was, in light of all the facts, satisfied that the premises presented a very real risk to the licensing objectives, particularly the prevention of crime and disorder and the protection of children from harm.

The Sub-Committee considered all of the options/powers outlined within Section 52 of the Licensing Act 2003 very carefully and determined that in light of all of the circumstances, revocation of the premises licence was necessary and proportionate and was satisfied that in this case the promotion of the licensing objectives outweighed the financial impact and human rights of the premises holder.

The Sub-Committee was further satisfied that the imposition of conditions, the suspension of the licence or any other step, would be insufficient to address the issues outlined.

31. **APPLICATION FOR A REVIEW OF A PREMISES LICENCE - 90 DEGREES AT CARLTON, 24 CARLTON PLACE, SO15 2DY**

RESOLVED that agreement had been reached by all parties to adjourn this application for a review of the premises licence at a date to be agreed.

32. **APPLICATION FOR A REVIEW OF A PREMISES LICENCE -GRAND CAFE, CANUTE ROAD, SOUTHAMPTON, SO14 3AA**

The Sub-Committee considered the application by Hampshire Constabulary for a review of the premises licence in respect of Grand Café, 1 South Western House,

Canute Road, Southampton, SO14 3AA. (Copy of report circulated with agenda and appended to signed minutes).

Mr S Hughes, Director and Shareholder, Mr D Pearson, Designated Premises Supervisor, PC Channel, PC Lindley and PS Marshman, Hampshire Constabulary were present and with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

RESOLVED

- (i) that the revised conditions, agreed by both parties, tabled at the meeting by Hampshire Constabulary, relating to CCTV provision, Incident Book, Challenge 25, Training, Membership and Toilet Checks, be attached to the licence;
- (ii) that the wording contained in the membership conditions be amended as follows:-
 - the third bullet point be amended to correct a spelling mistake so that “addressed” is amended to “addresses”; and
 - the fourth bullet point be amended to state “all records of members and guests will be made available on request....” and
- (iii) that the following additional membership conditions be added:-
 - those dining at the premises and seeking admission to the Piano Bar/Club on the basement floor shall be required to provide details of name, address and date of birth and verify such by providing some form of ID (not necessarily photographic ie to include a bank card);
 - after 21h00, private functions or parties held in the Piano Bar/Club on the basement floor would require the provision of names, addresses and dates of birth of all those attending the premises at the time of booking, or in any event in advance of the function. For the avoidance of doubt, the Challenge 25 condition should apply throughout or at any time a private function or party is taking place.
 - the list of names should be available for inspection on request by the Police and should be kept for a minimum of 6 months.

REASONS

The Sub-Committee considered very carefully the application for a review of the premises licence and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of licensing policy and representations made, both written and given orally by all parties.

The Sub-Committee noted that the premises licence holder had agreed to the suggested conditions of Hampshire Constabulary and had proposed a Membership

Scheme and in light of this, the police had withdrawn the condition relating to ;polycarbonate glasses at the premises.

The Sub-Committee considered that the conditions agreed by the parties, and the amended and additional conditions would satisfactorily address the issues relating to the prevention of crime and disorder and the protection of children from harm and no further steps would be necessary in this instance.