
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 22 September 2011

Present: Councillors Drake, Osmond (Item 37 only), Parnell (Item 38 and 39) and Thomas

Apologies: Councillor Carol Cunio

33. **ELECTION OF CHAIR**

RESOLVED that Councillor Drake be appointed Chair for Item 37– Application to vary a Premises Licence – Treats, 37 London Road, SO15 2AD.

COUNCILLOR DRAKE IN THE CHAIR

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

The Panel noted that Councillors Thomas and Osmond (Item 7 only) were in attendance as nominated substitutes for Councillors Cunio and Parnell respectively, in accordance with Council Procedure Rule 4.3.

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

RESOLVED that the minutes of the meetings held on the 25th August and 8th September 2011 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

36. **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.

37. **APPLICATION TO VARY A PREMISES LICENCE - TREATS, 37 LONDON ROAD, SO15 2AD**

The Sub-Committee considered the application to vary a premises licence in respect of Treats, 37 London Road, Southampton, SO15 2AD. (Copy of report circulated with agenda and appended to signed minutes).

Mr Mitchell (Agent for Treats), Mr Patel, Owner, PC Harris, PC Lindley and Miss Bayliss (Intelligence Analyst), 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 agreed conditions relating to CCTV, Incident Book, Refusals Book, Challenge 25, Training and Authorisation of supply of alcohol in the absence of the DPS be attached to the license;
- (ii) that the terminal hour for the sale of alcohol be 23h00; and
- (iii) that the application regarding the provision of late night refreshment from 23h00-03h00 be refused.

REASONS

The Sub-Committee considered carefully the application to vary 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 both parties.

The Sub-Committee noted that the premises licence holder and Hampshire Constabulary had reached agreement on relevant conditions and that agreement had been reached with regard to the terminal hour for the sale of alcohol.

Legal advice was accepted in relation to the Cumulative Impact Policy. It was noted that the premises was located within the boundary of a previously identified saturation area, however the policy would not apply given the particular circumstances in this case ie that the premises was an off-licence.

The Sub-Committee accepted that the applicant was of good standing and had no previous incidents in operating his business. However, the Sub-Committee had grave concerns regarding the location of the premises and in particular, the issue of crime and disorder.

The police evidence clearly showed that the issue of violent offending was prevalent in that locality at the times the premises intended to trade. In this respect the Sub-Committee took into consideration cumulative impact issues.

The Sub-Committee considered carefully the effect that the proposed licensable activities would have on those already in the area and concluded that despite the applicant's assertion that the premises would not be selling alcohol after 23h00, the continued provision of late night refreshment would add to the problems of the area. The Sub-Committee were also not satisfied, on the evidence provided, that the applicant had sufficient experience in trading after 23h00 when the police statistics clearly showed the crime and disorder issues increased significantly.

COUNCILLOR PARNELL IN THE CHAIR

38. APPLICATION FOR A REVIEW OF A PREMISES LICENCE - KAOS, 94-96 ST MARY'S ROAD, SO14 OAH

The Sub-Committee considered the application by Hampshire Constabulary for a review of a premises licence in respect of Kaos, 94-96 St Mary's Road, Southampton, SO14 OAH. (Copy of report circulated with agenda and appended to signed minutes).

Mr White, Owner, PC Harris and PC Lindley, 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 that the agreed conditions as set out in the application be attached to the license with the following minor amendment "all conditions are agreed to the satisfaction of the police in writing".

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 the evidence submitted by all parties, including the residents, both written and given orally today. Human rights legislation was also borne in mind whilst making the decision.

The Sub-Committee accepted the terms of agreement reached regarding the conditions and noted that the residents had neither sought closure nor suspension of the premises and therefore saw no reason, on the evidence, to go beyond that agreed.

RECOMMENDATIONS

- The Sub-Committee noted that the licensee was prepared to provide contact details to the Local Residents Association and it was recommended that there was regular contact between them;
- The licensee make contact with the University Authorities to facilitate regular dialogue with a view to reporting incidents of unacceptable behaviour; and
- The licensee make contact with other pubs and clubs in the area to engage in the above two recommendations and to consider the provision of door staff on the street.

39. APPLICATION FOR A PREMISES LICENCE - RR FOOD AND WINE, 300 SHIRLEY ROAD, SO15 3HL

The Sub-Committee considered the application for a premises licence in respect of RR Food and Wine, 300 Shirley Road, SO15 3HL. (Copy of report circulated with agenda and appended to signed minutes).

Mr Harvinder Singh Rathor and Mr Hardeb Singh Rathor, applicants, Mr Marshall, Trading Standards, PC Harris and PC Lindley, 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 that the application for a premises licence be refused.

REASONS

The Sub-Committee considered carefully the application for a 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. Human rights legislation was borne in mind whilst making the decision.

The Sub-Committee noted that a number of offences were alleged at the premises that the applicants were involved with, some of which were accepted and none of which were denied. It was further noted that the latest two incidents had occurred relatively recently and after the application had been submitted.

The Sub-Committee was not satisfied that the applicants would be capable of running the premises in accordance with the Licensing Objectives, in particular the protection of children from harm and public safety. This was based on the nature of the alleged offences which had already occurred.

The Sub-Committee considered whether its concerns could be addressed by the imposition of conditions, but felt that, on this occasion, they could not.