
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 23 February 2012

Present: Councillors Cunio, Parnell and Thomas

90. **ELECTION OF CHAIR**

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

91. **DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS**

Councillor Thomas declared a non-prejudicial interest and remained in the meeting.

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

RESOLVED that the minutes of the meeting held on 9th February 2012 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

93. **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 predetermined point whilst the Sub-Committee reached its decisions.

94. **APPLICATION FOR A PREMISES LICENCE - TESCO STORES LIMITED, LORDSWOOD ROAD, SOUTHAMPTON, SO16 6LN**

The Sub-Committee considered the application for a premises licence in respect of Tesco, Lordswood Road, Southampton, SO16 6LN. (Copy of report circulated with the agenda and appended to the signed minutes).

Mr Window, Area Manager - Tesco, Mr Wilson, Store Manager - Tesco, Mr Dewey, Operations Manager -Tesco, Mr Bark (Solicitor for Tesco), PC Prior and PC Harris, Hampshire Constabulary and Mr Pottiwai, Objector, 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 be granted subject to extensive and full conditions as agreed with the police **without** the additional wording put forward by the applicant and dealing with:-

- Staff training
- Challenge 25
- CCTV
- Log relating to incidents at the premises
- Refusals Book
- Security Guard at premises 7 days a week from 6.00 pm to close.

REASONS

The Sub-Committee considered carefully the application for a premises licence at Tesco Stores, Lordswood Road and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy, Human Rights legislation and representations, both written and given orally today by Hampshire Constabulary, residents and the applicant.

The Sub-Committee considered very carefully the evidence of the residents relating to the licensing objectives and the potential for problems caused by the premises in this location but were satisfied that the steps proposed by the amended operating schedule with conditions as agreed with the police would be sufficient to address the four licensing objectives. The Sub-Committee were also cognisant that the police were satisfied with the application and had withdrawn their representation.

The Sub-Committee had serious concerns in relation to the location of this premises with clear evidence showing crime and anti-social behaviour in the area as well as issues raised by residents relating to this. At the same time, it was bound to carefully consider the police evidence which indicated a distinct difference delineated by the road which created a physical separation between the two areas. This was borne out by a significant difference in the crime statistics, sufficient, in their view, to warrant an alternative approach to other premises in the area. Despite the residents' and the Sub-Committee's concerns, careful analysis of the evidence presented did not sufficiently show that it was necessary and proportionate to refuse a licence in this instance. The Sub-Committee accepted legal advice that it could only consider those issues properly raised in formal representations. In light of the extent of the operational procedures and conditions agreed by the applicant and the clear indication by the police that these would address the licensing objectives, the decision was deemed to be proportionate.

The Sub-Committee determined that the conditions should reflect the current position and stressed that in the event that circumstances changed, conditions could be amended by way of a minor variation or variation application. In the circumstances and based on the police evidence, the conditions as drafted without the additional wording put forward by the applicant were felt to be necessary and proportionate.