
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 6 September 2012

Present: Councillors Cunio, Lloyd and Parnell

39. **ELECTION OF CHAIR**

RESOLVED that Councillor Cunio be elected Chair for the purposes of this meeting.

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

RESOLVED that the Minutes of the meeting held on 23rd August 2012 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

41. **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 reached its decisions.

42. **APPLICATION FOR REVIEW OF PREMISES LICENCE - SAMI SWOI SHOP LIMITED, 8 PORTSMOUTH ROAD, SOUTHAMPTON, SO19 9AA**

The Sub-Committee considered the application for review of a premises licence in respect of Sami Swoi Shop Ltd, 8 Portsmouth Road, Southampton, SO19 9AA. (Copy of report circulated with the agenda and appended to the signed minutes).

Mr and Mrs Wrzeszcz, Premises Licence Holders, Mr Wallsgrove, Solicitor to the Premises Licence Holder, Mr Marshall, Trading Standards, Ms Clark and Ms Fagan, Child Protection Services 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:-

- (i) the following conditions, as detailed in full on pages 9 and 10 of the bundle and agreed with Trading Standards be attached to the premises licence:-
- Record Keeping
 - Challenge 25
 - Training (subject to minor amendment to show "Level 1 Award in Responsible Alcohol Retailing (ARAR)" in place of APLH
 - Refusals Book

- CCTV; and
- (ii) the licence be suspended for a period of two weeks (14 days), commencing on the first Friday following the expiry of the relevant 21 day period for appeal.

REASONS

The Sub-Committee considered the application for review of the premises licence at Sami Swoi Shop Limited by Trading Standards 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 all parties, including a photograph of the test purchaser.

The Sub-Committee considered very carefully the evidence of Trading Standards and Child Protection Services relating to the prevention of crime and disorder and the protection of children from harm.

The Sub-Committee noted that the applicant accepted that the conditions being sought by Trading Standards were appropriate and proportionate and had in the main been put in place. However, the combination of under-age sales and non-duty paid alcohol was taken extremely seriously and given all the circumstances, the Sub-Committee felt that a period of suspension of 14 days was appropriate and would act as a deterrent.

The Sub-Committee was referred to the relevant parts of the Guidance relating to its powers on review and considered very carefully the financial burden upon the business when making its decision. It noted that in this instance the premises licence holders had fully accepted their responsibilities in admitting the offence in the first instance and accepting a caution. The Sub-Committee also noted the proactive approach adopted by taking steps to address the issues in advance of the hearing and thereby co-operating with Trading Standards in particular.

As a result of careful consideration of the above, it was determined that revocation was not appropriate and that the period of suspension be lowered to 14 days as a result.