
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 3 January 2013

Present: Councillors Cunio, L Harris and Parnell

Apologies: Councillor Thomas

77. **ELECTION OF CHAIR**

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

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

The Sub-Committee noted that Councillor L Harris was in attendance as a nominated substitute for Councillor Thomas in accordance with Council Procedure Rule 4.3.

79. **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.

80. **APPLICATION FOR PREMISES LICENCE - POUND-XTRA, 106 ST MARYS ROAD, SOUTHAMPTON, SO14 OAN**

The Sub-Committee considered the application for a premises licence in respect of Pound-Xtra, 106 St Marys Road, Southampton, SO14 OAN. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Siraj, Applicant, Mr Hudson, Licensing Consultant for Applicant, PC Harris and Sgt Wood, Hampshire Constabulary, Mr Marshall, Trading Standards and Mr Lakhani, Resident/Local Businessman 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 very carefully the application for a premises licence at Pound-Xtra, 106 St Marys Road, Southampton, SO14 OAN and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy, Human rights legislation and the evidence submitted by all parties, both written and given orally today.

The Sub-Committee listened carefully to the evidence for the premises licence holder. However, this was outweighed by the strength of the evidence presented by the Police, Trading Standards and Mr Lakhani, relating to the continuing involvement and influence of the previous owners and DPS at the premises.

It was noted that the premises had previously been the subject of two reviews resulting in the revocation of the premises licence which was accepted as fact by all parties. Trading Standards in their evidence stated the issues at the premises were some of the worst breaches of the Licensing Act 2003 experienced in Southampton. For this reason the Sub-Committee was particularly concerned about the potential for the continuing involvement of those responsible for previous breaches at the premises.

The Sub-Committee were particularly concerned that the staff employed at the premises were the same three staff employed by the previous owners and that one of the three had been directly responsible for an underage sale of alcohol.

Pound-Xtra was a particularly troubled premises historically suffering from sales of counterfeit alcohol and underage sales which the Sub-Committee considered to be amongst the most serious type of breach of the Licensing Act 2003. The fact that the same staff remained at the premises, coupled with the fact that the applicant was currently living and working in Sheffield and had no real experience of running a business of this type caused considerable concern, albeit that he was in the process of working towards attaining a Personal Licence.

Evidence raised considerable concerns regarding the legitimacy of the transfer of the business to the applicant and the issues are briefly set out as follows:-

- a previous attempt to purportedly transfer a half share of the business and application made for a premises licence resulting in an objection from the Police and Trading Standards, led to withdrawal of that application;
- that a further transfer of half the business was made and subsequently only amended to show a full transfer following an interview;
- the applicant was unable to show any evidence of substance confirming payment for the business;
- the fact that evidence revealed that alcohol allegedly the property of the previous owners remained at the premises until Christmas Day 2012, despite the terms of the sale agreement;
- an apparent lack of cooperation in providing relevant CCTV images when requested by the Police and Trading Standards; and
- the continuing presence of the previous owners at the premises after the alleged transfer of the premises.

For all the above reasons the Sub-Committee felt that refusal was appropriate and necessary to ensure that the Licensing Objectives would be upheld. The Sub-Committee was mindful that the application should be considered on its own merits but was not satisfied on the balance of the evidence that this application was an arms length transaction and that the previous owners would as a matter of fact cease to have any involvement or control over the business.

The Sub-Committee did consider granting the licence subject to a condition prohibiting the previous owners from any involvement with the business, but felt that in light of the previous disregard of conditions, this would not be sufficient to ensure that the licensing objectives would be promoted.

The Sub-Committee notified the parties of the right of appeal.