

# Licensing (Licensing and Gambling) Sub-Committee

Thursday, 31st January, 2013  
at 9.30 am

## PLEASE NOTE TIME OF MEETING

Conference Room 3 - Civic Centre

This meeting is open to the public  
**Members**

Councillor Cunio  
Councillor Laming  
Councillor Spicer

### Contacts

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## **PUBLIC INFORMATION**

### **Terms of Reference**

The Sub-Committee deals with licences for which the Council is responsible under the Licensing Act, 2003 and Gambling Act 2005, including:-

- Personal licences for the sale of liquor Licensing Act 2003;
- Premises licences, various permits, variations and reviews (Licensing Act 2003 and Gambling Act 2005);
- Club certificates, variations and reviews Licensing Act 2003;
- Registration and deregistration of designated premises supervisors Licensing Act 2003;
- Determination of police objections to temporary event notices Licensing Act 2003

### **Relevant Representations**

Those who have made relevant representations may address the meeting about the matter in which they have an interest.

**When dealing with Licensing Act matters the Sub-Committee can only take into account the following statutory Licensing Objectives:-**

- prevention of crime and disorder
- public safety
- prevention of public nuisance
- protection of children from harm

**Likewise, when dealing with Gambling Act matters the Sub Committee can only take into account the statutory Licensing Objectives below:-**

- Preventing gambling being a source of crime
- That gambling is conducted in a fair and open way
- To protect children and other vulnerable children from harm

### **Southampton City Council's Seven Priorities**

- More jobs for local people
- More local people who are well educated and skilled
- A better and safer place in which to live and invest
- Better protection for children and young people
- Support to the most vulnerable people and families
- Reducing health inequalities
- Reshaping the Council for the future

### **Smoking policy**

The Council operates a no-smoking policy in all civic buildings.

### **Mobile Telephones –**

Please turn off your mobile telephone whilst in the meeting.

### **Fire Procedure –**

In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

### **Access –**

Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

### **Dates of Potential Meetings: Municipal Year 2012/13**

<b>2012</b>	<b>15<sup>TH</sup> NOVEMBER</b>
<b>10<sup>TH</sup> MAY</b>	<b>29<sup>TH</sup> NOVEMBER</b>
<b>31<sup>ST</sup> MAY</b>	<b>13<sup>TH</sup> DECEMBER</b>
<b>14<sup>TH</sup> JUNE</b>	<b>2013</b>
<b>28<sup>TH</sup> JUNE</b>	<b>3<sup>RD</sup> JANUARY</b>
<b>12<sup>TH</sup> JULY</b>	<b>17<sup>TH</sup> JANUARY</b>
<b>26<sup>TH</sup> JULY</b>	<b>31<sup>ST</sup> JANUARY</b>
<b>9<sup>TH</sup> AUGUST</b>	<b>14<sup>TH</sup> FEBRUARY</b>
<b>23<sup>RD</sup> AUGUST</b>	<b>28<sup>TH</sup> FEBRUARY</b>
<b>6<sup>TH</sup> SEPTEMBER</b>	<b>14<sup>TH</sup> MARCH</b>
<b>20<sup>TH</sup> SEPTEMBER</b>	<b>28<sup>TH</sup> MARCH</b>
<b>4<sup>TH</sup> OCTOBER</b>	<b>11<sup>TH</sup> APRIL</b>
<b>18<sup>TH</sup> OCTOBER</b>	<b>25<sup>TH</sup> APRIL</b>
<b>1<sup>ST</sup> NOVEMBER</b>	

## CONDUCT OF MEETING

### **Terms of Reference**

The terms of reference are contained in the Council's Constitution.

### **Business to be discussed**

Only those items listed on the attached agenda may be considered at this meeting.

### **Rules of Procedure**

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

### **Quorum 3**

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

## **DISCLOSURE OF INTERESTS**

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Personal Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

### **DISCLOSABLE PERSONAL INTERESTS**

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:  
Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
- (iv) Any beneficial interest in land which is within the area of Southampton.
- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.
- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.
- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:
  - a) the total nominal value fo the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
  - b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

## **Other Interests**

A Member must regard himself or herself as having a, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

## **Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

## AGENDA

Agendas and papers are available via the Council's website.

### **1 ELECTION OF CHAIR**

To appoint a Chair for the purposes of this meeting.

### **2 APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

To note any changes in the membership of the Sub-Committee made in accordance with the Licensing Act 2003.

### **3 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

### **4 STATEMENT FROM THE CHAIR**

### **5 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

To approve and sign as a correct record the Minutes of the meeting held on 13<sup>th</sup> December 2012, 20<sup>th</sup> December 2012 and 3<sup>rd</sup> January 2013 and to deal with any matters arising, attached.

### **6 EXCLUSION OF THE PRESS AND PUBLIC**

At a predetermined point during the consideration of all items the Sub-Committee may move into private session in order to receive legal advice when determining issues. The press and the public, unless otherwise excluded by the Licensing Act 2003 (Hearings) Regulations 2005, will be invited to return immediately following that private session at which time the matter will be determined and the decision of the Sub-Committee will be announced.

### **7 APPLICATION FOR PREMISES LICENCE - SAINSBURY'S SUPERMARKETS, 47-65 BEVOIS VALLEY ROAD, SOUTHAMPTON, SO14 OJS**

Report of the Head of Legal, HR and Democratic Services detailing an application for a premises licence in respect of Sainsbury's Supermarket, 47-65 Bevois Valley Road, Southampton, SO14 OJS, attached.

**8 VARIATION APPLICATION FOR PREMISES LICENCE - DPS VARIATION -  
PRESSO, 75 OXFORD STREET, SOUTHAMPTON, SO14 3DJ**

Report of the Head of Legal, HR and Democratic Services, detailing an application to vary a Premises Licence – DPS Variation, in respect of Presso, 25 Oxford Street, Southampton, SO14 3DJ, attached.

Wednesday, 23 January 2013

HEAD OF LEGAL, HR AND DEMOCRATIC  
SERVICES

# Agenda Item 5

To approve and sign as a correct record the Minutes of the meetings held on 13<sup>th</sup> December 2012, 20<sup>th</sup> December 2012 and 3<sup>rd</sup> January 2013 and to deal with any matters arising, attached.

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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 13 December 2012

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Present: Councillors Mrs Blatchford, Cunio and Laming

66. **ELECTION OF CHAIR**

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

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

**RESOLVED** that the Minutes of the meeting held on 9<sup>th</sup> November 2012 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

68. **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.

69. **APPLICATION TO VARY A PREMISES LICENCE - PIZZA CHICKEN KEBAB HOT 2 YOU, 1A BEDFORD PLACE, POLYGON, SO15 2BY**

The Sub-Committee considered the application for a premises licence in respect of Pizza Chicken Kebab Hot 2 You, 1A Bedford Place, Polygon, Southampton, SO15 2BY. (Copy of report circulated with the agenda and appended to the signed minutes).

PC Harris, PC Wood and PC Conway, Hampshire Constabulary, Mr Mohammed, Applicant (Owner), and Ms Sharma, Counsel for Applicant 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 to vary the premises licence be refused.

**REASONS**

The Sub-Committee considered the application to vary a premises licence at Pizza Chicken Kebab Hot 2 You 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 particularly noted the following points raised by the applicant:-

- 1 breaches regarding trading outside the hours permitted dated back to December 2010;
- 2 despite two previous reviews and concerns raised there might have been difficulty with regards to language and understanding the licence;
- 3 SIA security guards assisted the police in preventing crime and disorder;
- 4 the number of incidents in the immediate vicinity of the premises, specifically relating to Bedford Place and the premises in particular;
- 5 extension of SIA staff hours would maintain the current position or reduce the impact of the premises;
- 6 an increase in hours was not to target those leaving the area but to bring the premises in line with others trading later, without door staff or CCTV conditions;
- 7 there was a considerable difference between Friday and Saturday and Tuesday nights (being a student night);
- 8 that as of today the applicant had installed an upgraded CCTV system to enable better compliance with conditions; and
- 9 the financial impact.

In considering the above, the Sub-Committee balanced evidence presented by the police confirming that despite two previous reviews of the premises, the latest being in April 2011, the premises continued to fail to comply with conditions attached to the licence, specifically relating to the maintenance and inspection of CCTV and the production of CCTV when required. It was also noted that police evidence showed that the conditions attached to the licence had been provided in writing and in the applicant's first language.

Whilst it was accepted that other premises might have longer trading hours and no requirement for door staff or CCTV, the Sub-Committee considered it a relevant factor that those specific requirements had been placed upon the premises due to specific issues previously identified relating to the premises. The Sub-Committee concluded that the fact that the conditions had resulted in a lower number of incidents at this particular premises, showed that the conditions imposed were having a positive effect on the prevention of crime and disorder at the premises and in the immediate vicinity. It was felt that on the balance of probabilities, any reduction in those requirements would lead to an increase of those issues.

Whilst it was noted that other premises did not have a formal requirement or condition requiring the use of CCTV, police evidence indicated that they all had functioning CCTV systems in place.

The Sub-Committee considered the difference between Friday and Saturday nights and Tuesday (student night) and noted that the figures did show a difference between the two, but nonetheless felt that Tuesday remained a significantly busy period to warrant retention of door staff.

The Sub-Committee considered the figures relating to incidents in the area and noted that only one incident was directly linked to the premises in question. However, it considered the nature and severity of that incident to be such that it raised considerable concern. More importantly, the Sub-Committee considered the response of staff at the premises, both in failing to report and log the incident and the subsequent inadequacies regarding the provision of CCTV to be of very serious concern.

The Sub-Committee accepted legal advice given in public session relating to the Cumulative Impact Policy (CIP) which created a rebuttable presumption that applications of this type should be refused unless the applicant was able to establish that the proposed licensable activities would not, on the balance of probabilities, lead to an increase in or add to the issues already experienced within the designated area.

Accordingly, and in light of all the above, the Sub-Committee was not satisfied that the applicant had, on the balance of probabilities, established that the variation application or any part of it, would not lead to an increase in the issues in the area.

70. **APPLICATION FOR PREMISES LICENCE - HOLLYOAK STORES, 25-33 HOLLY OAK ROAD, SOUTHAMPTON, SO16 5GB**

The Sub-Committee considered the application for a premises licence in respect of Hollyoak Stores, 25-33 Holly Oak Road, Southampton, SO16 5GB. (Copy of report circulated with the agenda and appended to the signed minutes).

PC Harris and PC Conway, Hampshire Constabulary, Mr and Mrs Bhakar, Applicants, Mr Spink, Counsel for Applicant, Mrs Brazil, Mrs Castle and Miss Martinez, Residents, and Councillor Thomas, Ward Councillor, 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 granted in the terms sought and subject to:

- i) Agreed conditions relating to CCTV, Training, Challenge 25, Refusals Log, Till System, Incident Book, Storage and Staffing - as detailed on pages 25-27 of the Report, and;
- ii) Subject to the following conditions where they differ to those set out within the report on pages 26 and 27 of the bundle. All those other conditions set out as listed above shall be applied to the licence as indicated in the report.

- Staffing – two members of staff will be in the premises at all times during the licensed hours when alcohol is being sold. One person in the premises during licensed hours will always be a personal licence holder. An SIA registered member of door staff will be at the premises between 17h30 hours and closing on Friday – Saturday and 18h00 to closing on Sunday to Thursday. Whilst door staff are on duty Sunday to Thursday there shall, as a minimum, be in addition one member of staff on duty within the store and Friday – Saturday two additional staff.
- The premises licence holder shall participate in any bottle-marking scheme organised by the police or trading standards when so required.

- Signage approved by the police shall be placed on the entrance door to the premises and at the point of sale advising that it is a criminal offence to purchase alcohol on behalf of any person under the age of 18.

iii) no sales of alcohol shall take place in accordance with the licence hereby granted until all the conditions have been fully implemented and approval of the signage is obtained in writing.

## REASONS

The Sub-Committee considered the application for a premises licence at Hollyoak Store, 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 by Hampshire Constabulary, residents and the applicant.

The Sub-Committee also considered evidence submitted late, but none the less in advance of the hearing.

It was noted that the Police held no objection in relation to the applicant who had been willing to provide extensive conditions. The Sub-Committee also noted that in this case, residents were both supportive as well as objecting to the grant of the premises licence.

In considering the evidence of the police and residents relating to the licensing objectives and the potential for problems caused by the sale of alcohol in this location and the concerns of residents relating to anti-social behaviour, the Sub-Committee were satisfied that the agreed conditions along with additional conditions relating to bottle-marking and signage would, on balance, be sufficient to address the issues and concerns raised by the police and residents.

The Sub-Committee carefully evaluated the potential risk based on historic evidence and balanced that against the current representations which suggested a change in the nature of the locality. The Sub-Committee felt that the issues of anti-social behaviour of which the most serious evidence dated back to 2005, would not likely recur if the premises had the above conditions attached to the licence. However, the Sub-Committee continued to hold concerns in relation to the location of this premises and the mainly historic evidence showing crime and anti-social behaviour.

Careful analysis of the evidence presented, did not sufficiently show on balance that it was appropriate and proportionate to refuse a licence. Whilst considering this the Sub-Committee took into account the significant steps that the applicant had proposed. In particular, the Sub-Committee noted:-

- the fact that the premises had the benefit of extensive CCTV, which the police noted in their own evidence was now at a satisfactory level, covering areas including the grassy area opposite;
- that the premises would only open until 7.30 pm (the majority of issues occurred after that time);
- that the premises would employ security staff every day of the week; and
- that alcohol would be stored in a locked container behind the counter.

Residents could be reassured by the fact that the Licensing Act 2003 did allow for significant steps to be taken in the event that a premises caused issues and undermined the licensing objectives. Any evidence showing a clear causal link to the premises would be taken extremely seriously and both the police and local residents would be able to initiate a review in the event that any issues arose.

#### RECOMMENDATION

The Sub-Committee recommended that the premises licence holder made every effort to restore positive relationships with residents and attended any agency meeting relevant to the area.

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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 20 December 2012

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Present: Councillors Parnell, Thomas and Tucker

71. **ELECTION OF CHAIR**

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

72. **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

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

**RESOLVED** that the Minutes of the Meeting held on 29<sup>th</sup> November 2012 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

74. **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.

75. **APPLICATION FOR PREMISES LICENCE - KHAN INTERNATIONAL SUPERMARKET, 179-181 SHIRLEY ROAD, SOUTHAMPTON, SO15 3FG**

The Sub-Committee considered the application for a premises licence in respect of Khan International Supermarket, 179-181 Shirley Road, Southampton, SO15 3FG. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Thangavel, Premises Licence Holder/Applicant, Mr Sarma, family member, Mr Hudson, Licensing Consultant for Applicant, PC Conway and PC Smith, 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.

**RESOLVED** that the application for a premises licence be granted, subject to:-

- i. the conditions outlined in the operating schedule and, in addition, as detailed in the police representation. **NB** – where the police conditions repeat or contradict those set out in the operating schedule, the police conditions shall prevail; and
- ii. the following additional conditions:-
  - the premises licence holder shall ensure that the premises participate in any bottle-marking exercise or scheme as and when required by either the police or trading standards; and

- each and every sale of alcohol shall be directly supervised and authorised by either the Designated Premises Supervisor or a personal licence holder.

## **REASONS**

The Sub-Committee considered very carefully the application for a premises licence at Khan International Supermarket and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy and Human rights legislation.

The Sub-Committee considered very carefully all the evidence submitted by both parties, both written and given orally today, in particular that relating to crime and disorder in the immediate vicinity of the premises. It was common ground that the area, generally, suffered from a disproportionate level of anti-social behaviour including street drinking, litter and public nuisance. However, despite these clear concerns the Sub-Committee noted a lack of direct evidence showing a causal link to any premises within the area as a result of sales of alcohol.

The argument advanced by the police was that in light of the nature and number of incidents in the area it necessarily followed that an additional premises supplying alcohol in the area would lead to an increase in those issues. The Sub-Committee had grave concerns regarding the nature and number of the incidents reported, however, decided that in light of the lack of direct evidence, it was not appropriate to refuse the premises licence.

It was felt that on balance the above conditions would be sufficient and appropriate measures, if properly implemented, to address the anti-social behavioural issues and that it was appropriate that the conditions required additional control of alcohol sales than normally expected.

The Sub-Committee, whilst making this decision, took into account the ability to make representation in the future, which would lead, where evidence showed the premises were the cause of anti-social behaviour, to a review hearing where steps could be taken to address the issues.

### 76. **APPLICATION FOR PREMISES LICENCE - WORLD SHOP, 210-214 SHIRLEY ROAD, SOUTHAMPTON, SO15 3FL**

The Sub-Committee considered the application for a premises licence in respect of World Shop, 210-214 Shirley Road, Southampton, SO15 3FL. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Hussein, Owner/Applicant, Mr Crier, Solicitor for the Applicant, PC Conway and PC Smith, 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.



**RESOLVED** that the application for a premises licence be granted subject to:-

- iii. the conditions outlined in the operating schedule and in addition, as detailed in the police representation. **NB** – where the police conditions repeat or contradict those set out in the operating schedule, the police conditions shall prevail; and
- iv. the following additional conditions:-
  - each and every sale of alcohol be directly supervised and authorised by either the Designated Premises Supervisor or a personal licence holder;
  - sales of single cans of alcohol shall be prohibited unless part of a basket of goods other than alcohol;
  - the sale of alcohol shall only be permitted between the hours of 09h00 and 23h00 daily;
  - all alcohol shall not be visible or accessible to customers during hours that the premises may be open but not licensed for the sale of alcohol; and
- v. the premises licence holder be recommended to implement the policy requiring a security guard on the premises between the hours of 14h00 to 23h00.

## **REASONS**

It was noted that the nature of the objection raised by the police and much of the evidence submitted directly mirrored that relating to a previous application heard immediately prior to this matter. The reasons set out below therefore draw the same conclusions, albeit that the Sub-Committee considered each application on its own merits.

The Sub-Committee considered very carefully all the evidence presented, in particular that relating to crime and disorder in the immediate vicinity of the premises. It was common ground that the area, generally, suffered from a disproportionate level of anti-social behaviour including street drinking, litter and public nuisance. However, despite these clear concerns the Sub-Committee noted a lack of direct evidence showing a causal link to any premises within the area as a result of sales of alcohol.

The argument advanced by the police was that in light of the nature and number of incidents in the area it necessarily followed that an additional premises supplying alcohol in the area would lead to an increase in those issues. The Sub-Committee had grave concerns regarding the nature and number of the incidents reported, however, felt that in light of the lack of direct evidence, it was not appropriate to refuse the premises licence.

It was felt that on balance the above conditions would be sufficient and appropriate measures, if properly implemented, to address the anti-social behavioural issues and that it was appropriate that the conditions required additional control of alcohol sales than normally expected.

Whilst the reasons above closely matched those given previously, it should be noted that the applicant in this case voluntarily offered different proposed steps to the previous applicant which were noted and accepted by the Sub-Committee given that each case must, as previously stated, be considered on its own merits.

The Sub-Committee, whilst making this decision, took into account the ability to make representation in the future, which would lead, where evidence showed the premises were the cause of anti-social behaviour, to a review hearing where steps could be taken to address the issues.

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

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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.

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# Agenda Item 7



Reference: 2012/02596/01SPRN

Hearing:

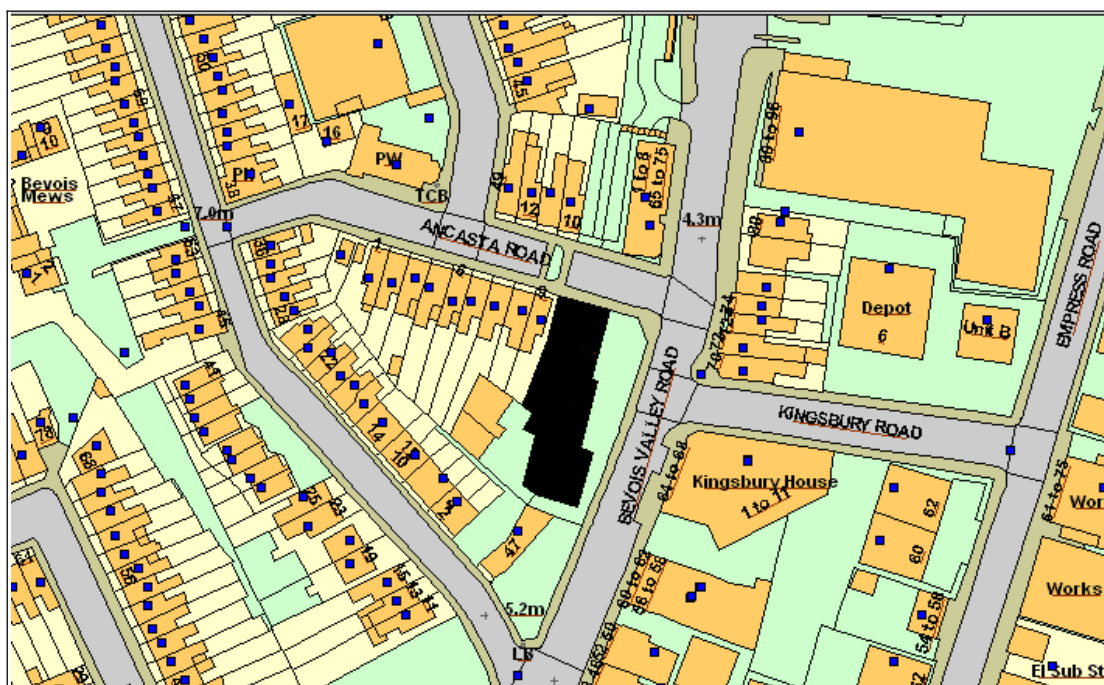
31st January 2013

## Application for Premises Licence

Premises Name: Sainsbury's Supermarkets  
Premises Address: 47 - 65 Bevois Valley Road  
Southampton  
SO14 0JS

Application Date: 13th December 2012  
Application Received Date: 14th December 2012

Application Valid Date: 14th December 2012



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## ***Representation From Responsible Authorities***

<b>Responsible Authority</b>	<b>Satisfactory?</b>	<b>Comments</b>
Child Protection Services - Licensing	Yes	
Hampshire Fire And Rescue - Licensing	Yes	
Environmental Health - Licensing	Yes	
Planning & Sustainability - Building Control - Licensing	Yes	
Primary Care Trust - Public Health Manager	Yes	
Planning & Sustainability - Development Control - Licensing	Yes	
Police - Licensing	Yes	
Trading Standards - Licensing	Yes	

## ***Other Representations***

<b>Name</b>	<b>Address</b>	<b>Contributor Type</b>
Ms. Steph Smith	30 Clausentum Road Southampton SO14 6RZ	Resident



## ***Legal Implications***

1. The Licensing Act 2003 specifically restricts the grounds on which the Council, as Licensing Authority (LA), may refuse an application for a new Premises Licence, or impose conditions. Where relevant representations are made, the LA may refuse on the grounds that the licensing objectives are not met or the operating schedule is inadequate. Equally, conditions may be imposed where relevant and necessary. The LA may also refuse an application in part and thereby only permit some of the licensable activities sought.
2. The decision making committee, in considering an application, must have regard to the adopted Statement of Licensing Policy and any relevant representations made by those directly affected.
3. An applicant for a new Premises Licence whose application has been refused, or who is aggrieved by conditions imposed, may appeal against the decision to the Magistrates' Court.
4. In considering this application the committee will sit in a quasi-judicial capacity and is thus obliged to consider applications in accordance with both the Licensing Act 2003 (Hearings) Regulations 2005, and amending secondary legislation and the rules of natural justice. The practical effect of this is that the committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

The committee must also have regard to:-

5. *Crime and Disorder Act 1998*  
Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
6. *Human Rights Act 1998*  
The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of Proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affects another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.

Application for a premises licence to be granted  
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases  
ensure that your answers are inside the boxes and written in black ink. Use additional sheets if  
necessary.  
You may wish to keep a copy of the completed form for your records.

I/We Sainsbury's Supermarkets Ltd  
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises  
described in Part 1 below (the premises) and I/we are making this application to you as  
the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

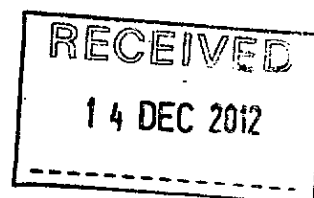
Postal address of premises or, if none, ordnance survey map reference or description Sainsbury's 47-65 Bevois Valley Road			
Post town	Southampton	Post code	SO14 0JR

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as  
Please tick yes

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
- i. as a limited company  please complete section (B)
- ii. as a partnership  please complete section (B)
- iii. as an unincorporated association or  please complete section (B)
- iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)



- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - statutory function or
  - a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post Town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Sainsbury's Supermarkets Ltd
Address 33 Holborn London EC1N 2HT
Registered number (where applicable) 03261722
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
E-mail address (optional) N/A

### Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year			
1	2	0	1	2	0	1	3

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year			

Please give a general description of the premises (please read guidance note 1)

A supermarket which is to sell a broad range of groceries, household products and alcohol.

Situated at 47-65 Bevois Valley Road, Southampton, SO14 0JR.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

#### Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2).	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Wed					
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Fri			
Sat			
Sun			



D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon.			<b>Please give further details here (please read guidance note 3)</b>		
Tue					
Wed			<b>State any seasonal variations for the performance of live music (please read guidance note 4)</b>		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</b>		
Sat					
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Tue					
			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment you will be providing</u></b>		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2):</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4).		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	0700	2300			
Tue	0700	2300			
Wed	0700	2300			
Thur	0700	2300			
Fri	0700	2300			
Sat	0700	2300			
Sun	0700	2300			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

**State the name and details of the individual whom you wish to specify on the licence as premises supervisor**

--

**K**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)**

The premises will sell other age restricted products.

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)  The opening hours of the store are not a licensable activity and the applicant asks that the hours not be restricted by the premises licence.
Day	Start	Finish	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)
Mon	0000	2400	
Tue	0000	2400	
Wed	0000	2400	
Thur	0000	2400	
Fri	0000	2400	
Sat	0000	2400	
Sun	0000	2400	

**M** Describe the steps you intend to take to promote the four licensing objectives:



**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

The applicant is aware that the premises fall within the Bevois Valley Stress Area.

It believes that it will not add to the cumulative impact already being experienced in the area.

The applicant has discussed the application with the police and proposes the following steps that can be replicated as conditions on the premises licence.

**b) The prevention of crime and disorder**

1. The licence holder will ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.
  2. The system will incorporate a camera covering each of the entrance doors and the main alcohol display area and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
  3. The system will incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of 30 days and will be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
  4. The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enabled to allow playback/review.
  5. A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.
  6. The system will display, on any recording, the correct time and date of the recording.
  7. An incidents register shall be maintained at the premises recording:
    - All incidents of crime and disorder occurring at the premises
    - Details of occasions when the police are called to the premises
- This register will be available for inspection by a police officer on request.

**c) Public safety**

The applicant will at all times maintain adequate levels of staff and security. Such staff and security levels will be disclosed, on request, to the licensing authority and police.

**d) The prevention of public nuisance**

Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

**e) The protection of children from harm**

1. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme (or similarly accredited scheme) hologram.
2. All cashiers shall be trained to record refusals of sales of alcohol in a refusals register. The register will contain:
  - details of the time and date the refusal was made;
  - the identity of the staff member refusing the sale;
  - details of the alcohol the person attempted to purchase.

This register will be available for inspection by a police officer on request.
3. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:
  - Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
  - Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be kept at the premises available for inspection by a police officer on request.

**Please tick yes**

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	13 December 2012
Capacity	Solicitors duly authorised on behalf of the Applicant

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent.** (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 13)

Winckworth Sherwood LLP  
 (Ref: EMF/26508/1493/RPB)  
 Minerva House  
 5 Montague Close

<b>Post town</b>	London	<b>Post code</b>	SE1 9BB
<b>Telephone number (if any)</b>			
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>			

**Notes for Guidance**

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.



**Objection to Application** - 2012/02596  
/01SPRN

Sainsbury's Supermarket  
Ltd.

I am writing to object to this application for a license to sell alcohol between the hours of 0700 and 23.00 00 at 49-65 Bevois Valley Road SO14 OJS.

I am a local resident who has lived 100 yards away from the proposed location since 1976. I am apparently not within the area where a statutory notification was sent to 86 landowners and residents. I saw the notice on a fence at the junction of Earl's Road and Bevois Valley road on 17 December 2012. In my street there are 4 families with children aged fewer than 3, another couple of families with children aged 4-12, several older people some with disabilities and plenty of working people. I have included this information in order to refute the suggestion that may be made that this is a student area where standards of behaviour and levels of alcohol misuse can be more flexible than in some other residential areas of the city and any additional alcohol sales activity cannot add to the problems already felt in the area

I have read the application thoroughly, spoken to the local police, the SCC Licensing department, the Hants Constabulary Licensing dept, the Safeguarding Board, the PCT, Trading Standards and have spoken to some local residents. I have looked at the planning application made in August 2012, the report of the Planning and Development Manager to the Planning and Rights of Way Panel and the minutes of several licensing committee meetings relating to the provision of similar licenses in the last 12 months. I will be notifying my councillors of my objection

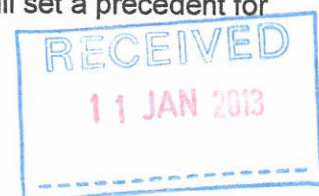
Bevois Valley Road is part of an area covered by the Cumulative Impact policy. The effect of the CIP is that additional licensed premises or significant variation of hours of operating are unlikely to be permitted unless the applicant can demonstrate to the council, as Licensing Authority, that the intended changes will not have an adverse impact on the area.

Objections to the application can only be made under the 4 licensing conditions namely  
The prevention of crime and disorder  
Public safety  
The prevention of public nuisance  
The protection of children from harm

Local residents objecting to the original planning application earlier in 2012 mentioned their fears of problems around crime and disorder, public safety and nuisance from anti social elements in the immediate area. The planning decision "noted that the development was a departure from the local plan and there were material considerations including the impact on nearby residential amenity from noise, lighting traffic and associated activity. But these are not judged to have sufficient weight to justify a refusal"

I believe that the residents' concerns are genuine and the license to sell alcohol will have an adverse effect on the area.

The committee may wish to be mindful that this licensing application will set a precedent for the following reasons



- The store to which the license applies has not yet been approved or begun construction.
- There is no history of off sales alcohol on the site or on the side of the road which backs immediately onto a long established residential area with a church ,a community pub and a primary school .
- The application is a departure from the local plan
- Bevois Valley is a CIP area with an additional Street prostitution issue
- Responsible authorities find it difficult and sometimes impossible to provide evidence at the required level to refuse license because the information is not in the public domain or mechanisms are not in place to collect it [ I attach more information in this on separate sheet ] If statutory services cannot provide evidence of links to the licensing objectives how can the applicant show evidence at this time that the sale of alcohol will not have an adverse impact on the area ?

In my personal experience as a resident of the area I can say that BV Road requires a significant amount of policing in order to maintain public safety. It is a focus for street drinking, prostitution, anti social behaviours, nuisance and crime and disorder including theft and assault. Operation Fortress on drugs and Vice officers identify this area as a hot spot for these activities.

Much of the information the police have is not in the public domain However the crime record on line shows that in 30 day period in December 2012 there were several incidents in the area of Bevois Valley Road . The majority of these incidents happen on the eastern side of Bevois Valley Road where all the shops and clubs are located.

My experience of the area and the 4 licensing objectives is as follows

#### **The prevention of Crime and disorder**

According to the information supplied on the application form this objective seems to relate only to crime and disorder within the shop. My observations as a resident over many years is that there will be instances of theft, intimidation and abuse within the shop. I have feared for staff members at local shops when they deal with the small but easily identifiable number of people under the influence of alcohol drugs or other substances or who have mental health issues. I have sometimes stayed in a shop in order to be available as a witness if a situation develops

Following further checking with SCC licensing I understand that this objective also refers to the prevention of crime and disorder incidents in the area which are precipitated by the license activities. At present the majority of the alcohol outlets in BV are pubs and clubs which have some process for monitoring and control of drinking by their customers. The proposed new off sales license will have less control over the behaviour of people using the premises as they wait around the area or move along neighbouring roads such as Ancaster, Earls and Clausentum .My neighbour has noted that many drinkers and clubbers now use Clausentum Road rather than Bevois Valley Road or Empress road to make their way home in a northerly direction ,presumably because it is safer from traffic and potential theft and assault . I fear that the new license premises may increase the prevalence of crime in this street.

I believe that local people will be exposed to more potential crime and disorder as a result this license. My own experience of drinkers , dealers and pimps in this area is that their contribution to crime and disorder will include intimidation, abuse , aggressive behaviour, assault , public defecating ,urinating, vomiting and the presence of dogs who may be used in an aggressive fashion

Evidence of damage to cars in the area was referred to by an objector to the original planning application and I reiterate this now in relation to the license. I think the license will also have an adverse effect on trespass and vandalism in the immediate area and on drink driving.

Street prostitution is a unique element in Southampton and specifically in the BV area. In my experience one of the "gateways" to the area of most intense activity is Kingsbury Road, immediately opposite the license application site. Levels of street prostitution activity vary according to the time of year, with more visible activity during the spring summer and autumn than in the winter. Sex workers are often on the street 24 hours a day. I have seen them myself on many occasions and from the main road they can be seen and often heard screaming late at night.

I believe it's likely that people associated with this activity namely sex workers, pimps, punters, drug dealers, substance misusers and opportunist criminals will have greater access to alcohol if it is on sale at this new off sales venue; This may make their behaviour more extreme. They will be attracted to the store front and car park when the shop is both open and closed as these may provide an ideal "safe" place for hidden activities such as drug dealing, sex acts etc [punters and sex workers are often themselves the victims of assault and theft]. The delivery area lay-by will encourage more car based punters, pimps, dealers and opportunist criminals to stop on Bevois Valley road itself.

#### **Public safety**

I believe that the presence of this off sales license will have an adverse effect on local public safety.

It will increase the number of people on the street immediately next to a residential area. My experience is that some of these people will be potentially abusive aggressive and intimidating. Their presence will discourage people from going out. There will also be threats from dogs, broken glass and cans, vomit, faeces and urine and possibly drug paraphernalia. I have in the past challenged people's behaviour on the street, asking them to be quiet, to deal drugs somewhere else and called for medical help for them but I am increasingly reluctant to do this as I get older, have less supportive local services likely to help me, and the behaviour of the individuals becomes more frightening. I think the presence of these new licensed premises will just make matters worse by providing apparently legitimate reasons for people to wait around from 7am to 11pm. I also fear that the deliveries of alcohol will be a potential traffic hazard as the Lorries turn into and away from the site. There is a significant volume of traffic using BV road and 3 dangerous junctions at Mount Pleasant, Earl's Road and Kingsbury road where site lines are already often blocked by buses and lorries.

#### **The prevention of public nuisance**

I understand that public nuisance is classified as litter, noise and lighting. There will inevitably be additional noise from these premises both through users, the infrastructure of the building and the deliveries. There will also be many issues which are already listed under crime disorder and public safety above.

#### **The protection of children from harm**

According to the application form, safeguarding concerns are limited to not selling alcohol to underage drinkers. I understand that Sainsbury are considered to be one of the more responsible of off sales outlets but nevertheless this new store will, I think, attract more hard drinkers and possibly groups of young people wanting access to alcohol. I suspect that the problems with groups of young people which happen near Bevois Town Play Ground may be displaced to outside the new license area and will be more serious and more frequent. The loss of youth and other services for children and young people is leaving

more young people on the street with nowhere to go, nothing to do and little or no support from outreach workers and community workers in statutory and voluntary sector services.

The store will also create an unsafe environment with increased opportunities for children and young people to come into contact with drug paraphernalia, broken glass, human dog excrement etc. Children on the way to and from school will also be exposed to these risks

I am fearful that this new licensed premises operating from 7 am to 11pm will create many problems and affect the quality of life in this area. We are constantly hoping that more families and ordinary people will move here but this won't happen if the area's reputation becomes worse as a result of this license. I would not be reassured by the standard licensing committee statement that

*"Residents can be reassured by the review process which does enable those issues to be tackled in the future in the event that they do arise"*. I do not feel this is an acceptable approach in a CIP area and in BV in particular.

I ask the Licensing to refuse this application at this time on the basis that the applicants that cannot prove there will not be an adverse effect on the area.

If this is not legally possible might I please suggest the following way forward?

Sainsbury, as a responsible business who appreciate the unique issues in the BV area, withdraw the license application for the time being. Whilst the shop is being built Sainsbury work with the police, the council and other agencies to develop, operate and analyse improved mechanisms for recording what's happening establishing base line data for the area now without the shop.

During the shop's first fully operational for 12 months without a licence this data will continue to be collected to show the impact of the shop alone.

The licence application can then be resubmitted and granted on the basis that it will now be possible to measure evidence of its impact and on condition that the information continues to be collected and the license is reviewed at 3 monthly intervals for the next 2 years or more frequently as local people or agencies indicate is appropriate.

Steph smith

30 CLAUSENTUM ROAD

SO14 6RZ

I am prepared to attend the hearing



## ADDITIONAL INFORMATION ON EVIDENCE RE LICENSED PREMISES

The key aspect of most licensing applications seems to be the availability of direct evidence . Time and again decision notices make reference to this , for example

*The subcommittee has grave concerns regarding the nature and number of incidents reported..., however felt that in the light of the lack of direct evidence it was not appropriate to refuse the premises license at this point in time*

*"It was common ground that the area generally suffers from a disproportionate level of anti social behaviour including street drinking litter and public nuisance. However despite these clear concerns the subcommittee noted a lack of direct evidence. showing a causal link to any premises .. as a result of alcohol*

The PCT and the Safeguarding Board have both advised me that the kind of data which is required from them to show direct evidence of a causal link between an alcohol license and issues around health is not available to them and they have complained about this as it makes a mockery of their supposed role as responsible authorities, able to influence licensing decisions in the public interest.

The PCT are clear that alcohol damages health and places children and young people at risk particularly in areas of high deprivation such as the inner city but evidence from ambulance crews is very rarely sufficiently detailed to link to specific premises , and evidence on small geographic communities such as Bevois Valley cannot be used because of data protection issues . The SCC Safeguarding Board has advised me that they are reliant on information from the police and the applicant and they have complained about this. Some Safeguarding Boards in other areas of the country have their own resources to check on local issues relating to licensing

Licensing and trading standards have also explained the difficulties of proving links to specific premises ; for example bottle marking schemes etc can only be done when incidents have occurred

Mechanisms for collecting information on local conditions are reducing rather than increasing Council services such as Neighbourhood Wardens, youth services, community workers, support to residents groups etc all have less staff and funding. Voluntary agencies working with street drinkers and substance misuses, sex workers and people with mental health problems are also being cut.

It therefore seems there will be less and less opportunities for this necessary evidence to be collected .

Decisions to grant licenses often say  
*Residents can be reassured by the review process which does enable those issues to be tackled in the future in the event that they do arise.*  
but as a local resident of an area covered by the CIP I do not feel this is acceptable.

If statutory services cannot provide evidence of links to the licensing objectives how can the applicant show evidence at this time that the sale of alcohol will not have an adverse impact on the area ?

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# Agenda Item 8



Reference: 2012/02547/01SPRD

Hearing:

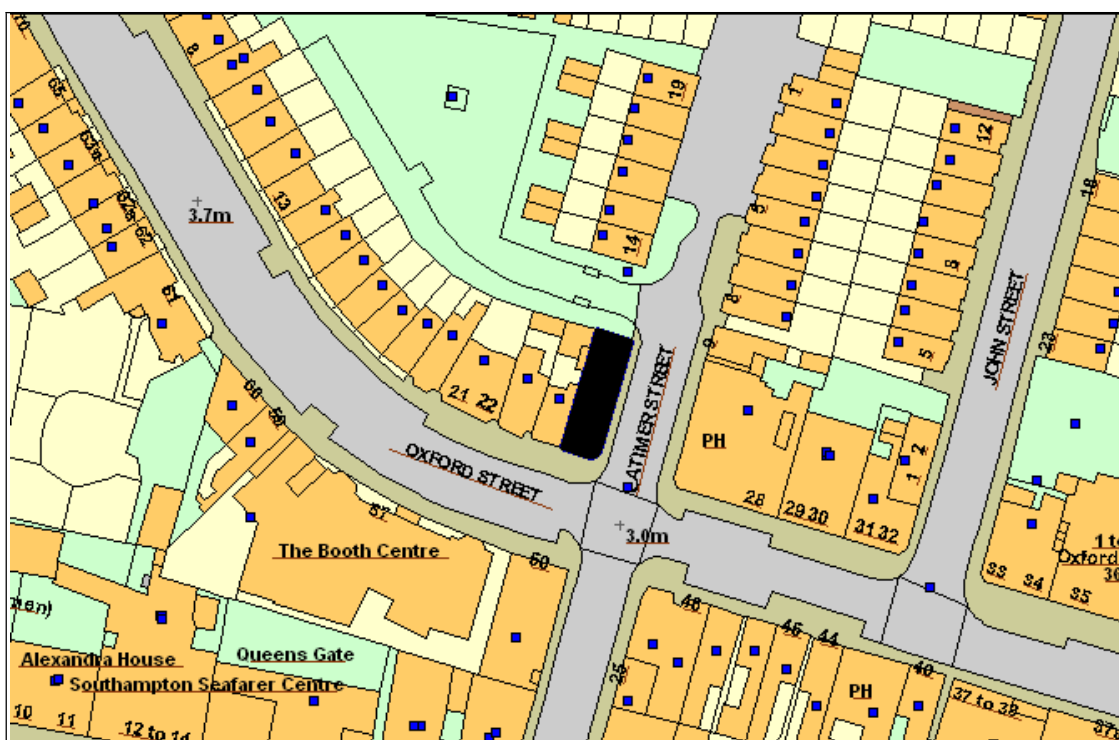
31<sup>st</sup> January 2013

## Variation Application for Premises Licence - DPS Variation

Premises Name: Prezzo  
Premises Address: 25 Oxford Street  
Southampton  
SO14 3DJ

Application Date: 29th November 2012  
Application Received Date: 6th December 2012

Application Valid Date: 6th December 2012



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## Representations From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Police - Licensing	No	See attached representation

## ***Legal Implications***

1. Where the Police give notice (stating that the Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective and stating their reasons) the authority must –
  - (a) hold a hearing to consider it, unless the authority, the applicant and the Chief Officer of Police who gave the notice agree that a hearing is unnecessary, and
  - (b) having regard to the notice, reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.
2. The decision making panel, in considering an application, must have regard to the notice, adopted Statement of Licensing Policy and any relevant representations of the applicant.
3. An applicant, whose application has been rejected, may appeal against the decision to the Magistrates' Court. Likewise the Chief Officer of Police may appeal against a decision to grant the application.
4. Where an application is granted or rejected, the relevant licensing authority must give a notice to that effect to –
  - (a) the applicant,
  - (b) the proposed individual and
  - (c) the Chief Officer of Police for the police area (or each police area) in which the premises are situated.The notice must state the authority's reasons for granting or rejecting the application. Where the application is granted, the notice must specify the time when the variation takes effect.
5. In considering this application the panel will sit in a quasi-judicial capacity and is thus obliged to consider applications in accordance with both the Licensing Act 2003 (Hearings) Regulations 2005, and amending secondary legislation and the rules of natural justice. The practical effect of this is that the panel must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

The panel must also have regard to:-

6. *Crime and Disorder Act 1998*  
Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
7. *Human Rights Act 1998*  
The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of Proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affects another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records

I / We **PREZZO PLC**

*(full name(s) of premises licence holder)*

**being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003**

**Premises licence number**

**2009/00041/01SPRD**

**Part 1 - Premises details**

**Postal address of premises or, if none, ordnance survey map reference or description**

Prezzo  
25 Oxford Street  
Southampton  
Hants

SO14 3DJ

**Telephone number (if any)**

02380 226181

**Description of premises (please read guidance note 1)**

**Restaurant**

RECEIVED

06 DEC 2012

**Part 2**

**Full name of proposed designated premises supervisor**

**Mr Marian Kalnovic**

**Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)**

**Full name of existing designated premises supervisor (if any)**

**Carlos Pereira**

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

**Reasons why I have failed to enclose the premises licence or relevant part of it**

Please tick yes

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 - Signatures (please read guidance note 2)**

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 3). **If signing on behalf of the applicant please state in what capacity**

Signature \_\_\_\_\_

Date 29/11/12

Capacity Financial Controller

**For joint applicants signature of 2nd applicant 2nd applicant's solicitor or other authorised agent** (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity**

Signature \_\_\_\_\_

Date \_\_\_\_\_

Capacity \_\_\_\_\_

**Contact name** (where not previously given) **and postal address for correspondence associated with this application** (please read guidance note 5)

Prezzo Plc  
Johnston House  
8 Johnston Road

<b>Post Town</b> Woodford Green	<b>Post Code</b> IG8 0XA
<b>Telephone number</b> (if any)	
<b>If you would prefer us to correspond with you by e-mail your e-mail address</b> (optional)	



**New grant or variation of premises licence  
Or club premises certificate  
Form for representations from Hampshire Constabulary**

Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

**Hampshire Constabulary is a responsible authority and wish to make a representation regarding under the Licensing Act 2003, regarding the:**

<input type="checkbox"/> 1: Grant for a personal licence	(Object within 14 days)
<input type="checkbox"/> 2: Grant for a temporary event notice (TEN)	(Object within 2 days)
<input type="checkbox"/> 3: Transfer of a premises licence	(Object within 14 days)
<input checked="" type="checkbox"/> 4: Variation of designated premises supervisor	(Object within 14 days)
<input type="checkbox"/> 5: Grant/Variation of a premises licence/club prem' certificate	(Object within 28 days)

Name of Applicant:	Prezzo PLC
Name of Proposed DPS:	Mr Marian Kalnovic

Details of relevant conviction ( Personal Licence Applications ONLY)

Postal address of premises:	Prezzo 25 Oxford Street Southampton
Postcode:	SO14 3DJ

**Details of responsible authority applicant**

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:	PC
Surname: CONWAY	First Names: SHARON
Current postal address :	Southampton Central Police Station Southern Road Southampton
Postcode:	SO15 1AN
Daytime telephone number:	02380674768
E-mail address: (optional)	western.licensing@hampshire.pnn.police.uk

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003





## New grant or variation of premises licence Or club premises certificate Form for representations from Hampshire Constabulary

This application to object relates to the following licensing objective(s)

- |   |                                     |
|---|-------------------------------------|
| 1) The prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) Public safety                        | <input type="checkbox"/>            |
| 3) The prevention of public nuisance    | <input type="checkbox"/>            |
| 4) The protection of children from harm | <input type="checkbox"/>            |

*Please select  
one or more  
boxes*

Please state the ground(s) for representation:

Hampshire Constabulary believe that, should Marian Kalnovic be specified as a DPS at Prezzo, 25 Oxford Street, the licensing objective to prevent crime and disorder will be undermined.

On 21<sup>st</sup> December 2012, two applications were received from Prezzo PLC to specify Marian Kalnovic as DPS. One application was in relation to Prezzo, 25 Oxford Street, Southampton. The second application was in relation to Prezzo, Swan Centre, Eastleigh.

An email was sent to the applicant on 21/12/12 by the police licensing team pointing out the concerns. To date, there has been no response.

The two venues are located a travelling distance of approximately six miles apart. Both premises operate late into the evening. Both are located in busy town and city centres, with the challenges that such locations can attract.

On further research, records held by Hampshire Constabulary show that Marian Kalnovic is already the DPS at Prezzo branches in Romsey and Portsmouth.

The expectation of the DPS is that they are in day to day control of the premises for which they are responsible.

Where there is such a distance between premises, it is unlikely that the proposal will allow for a single point of contact at each premises and an easily identifiable responsible person should there be an incident. The provision of a single point of contact should staff need direction as to refusals or in dealing with an incident is of paramount importance is supporting the licensing objective to prevent crime and disorder.

Without such a provision, it is likely that the ability of the premises to effectively deal with such incidents would be compromised, thus undermining the licensing objective to prevent crime and disorder.

**It is an offence, under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this representation**



**New grant or variation of premises licence  
Or club premises certificate  
Form for representations from Hampshire Constabulary**

Police recommendations (including any conditions)

That the applicant submit an application to specify a suitable individual at each premises as DPS.

Signature of Officer Completing

Name Sharon CONWAY Collar Number: 22237  
Signature: \_\_\_\_\_ Date: 4/1/13

Signature of Authorising Officer

Name R IUAN MARSHMAN Collar Number: 3555  
Signature: \_\_\_\_\_ Date: 4/1/13