
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 14 February 2013

Present: Councillors Cunio, Lewzey and Lloyd

81. **ELECTION OF CHAIR**

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

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

RESOLVED that the Minutes of the Meeting held on 13th December 2012, 20th December 2012 and 3rd January 2013 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

83. **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.

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

The Sub-Committee considered the application for a premises licence in respect of Sainsbury's Supermarkets, 47-65 Bevois Valley Road, Southampton, SO14 OJS. (Copy of report circulated with the agenda and appended to the signed minutes).

Ms Surguy, National Manager, Sainsbury's and Ms Roots, Area Manager, Sainsbury's (Applicants), Mr Botkai, Solicitor for the applicant and Ms S Smith, Objector, were present and with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

RESOLVED that the application for a premises licence be granted in the terms sought, subject to the agreed and amended conditions.

REASONS

The Sub-Committee considered the application for a premises licence at Sainsbury's Supermarkets 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 both written and given orally, submitted by the applicant and the resident relating to the licensing objectives.

The Sub-Committee noted that the premises licence holder had co-operated with the police. The details in the operating schedule as contained in the original application set out on Page 16 and 17 and as amended by way of additional conditions had been agreed with the police and it was noted that the police had withdrawn their representation.

The Sub-Committee accepted legal advice relating to the Cumulative Impact Policy that it did not apply to off-licence premises.

The Sub-Committee were satisfied that the steps proposed by the applicant, which had been agreed by the police, would be sufficient to address the four licensing objectives. On balance it was determined that the premises might in fact have a positive effect upon the issues outlined in the residential objection.

The Sub-Committee considered very carefully the potential for problems caused by the premises in this location, but were cognisant that the police were now satisfied with the application and had withdrawn their representation.

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 in the future. It must be stressed that any decision must have an evidential basis and in the light of the lack of objection from any responsible authorities, including in particular, the police, it was not considered appropriate or proportionate to restrict the proposed activities at this point in time.

RECOMMENDATION

It was recommended that the applicant engage in ongoing dialogue with Ms Smith and/or any formal residents association that exists or may exist in the future.

85. APPLICATION FOR PREMISES LICENCE - PREMIER, 6 ATHELSTAN ROAD, SOUTHAMPTON, SO19 4DD

The Sub-Committee considered the application for a premises licence in respect of 6 Athelstan Road, Southampton, SO19 4DD. (Copy of report circulated with the agenda and appended to the signed minutes).

Mr Sithamparanathar, Applicant, Mr Shavawessau, Solicitor for the Applicant, PC Conway and PC Norris, Hampshire Constabulary and Mr Marshall, Trading Standards were present and with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

RESOLVED that the application be granted, subject to :-

- i. the conditions outlined within the applicant's operating schedule (to be interpreted and implemented so as to make them enforceable, by the licensing authority);
- ii. the conditions put forward by the police and trading standards; and
- iii. the following additional conditions:-

- no sales of alcohol to take place at the premises until all the conditions are fully implemented and in place at the premises to the satisfaction of the police and trading standards; and
- refresher training is to be approved in writing in advance by the police. (Training materials are to be prepared and produced by the premises licence holder with no responsibility resting with the police for producing the same).

For the avoidance of doubt, if the police conditions conflict with those within the operating schedule in any way, the police conditions shall prevail.

REASONS

The Sub-Committee considered very carefully the application for a premises licence at Premier and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy, Human Rights legislation and representations, both written and given orally today by all parties

The Sub-Committee had very real concerns with regards to the following issues:-

- the premises in question had a history of non-compliance under previous management and were clearly subject to issues relating to under-age sales and the sale of illegal alcohol;
- the applicant had issues regarding non-compliance with conditions and under-age sales at other premises within the city; and
- evidence showed a lack of record keeping with regards the refusal of tobacco sales.

In light of these issues the Sub-Committee warned the applicant that any future non-compliance with conditions, under-age sales or other regulatory issues at the premises would be taken extremely seriously in the event of any review brought before the Sub-Committee.

Despite these very real concerns the Sub-Committee felt that very strong conditions might address the issues of concern and accordingly that it was appropriate and proportionate to impose the above conditions at this point in time rather than refuse the application.