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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 31 OCTOBER 2013

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Present: Councillors Cunio, Lewzey and Thomas

31. **ELECTION OF CHAIR**

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

32. **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 reach its decisions.

33. **APPLICATION FOR PREMISES LICENCE - DEVON STORE, 127 OBELISK ROAD, SOUTHAMPTON, SO19 9DN**

The Sub-Committee considered the application for a premises licence in respect of Devon Store, 127 Obelisk Road, Southampton SO19 9DN. (Copy of report circulated with the agenda and appended to the signed minutes)

Mr Yeoman (Applicant), Mr Thornton (Trading Standards, SCC), PC Norris and PC Harris (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 (Hearings) Regulations 2005.

**RESOLVED** that the application for a premises licence be refused.

After private deliberation the Sub-Committee reconvened and the Chair read the following decision:-

All parties will receive written confirmation of the decision and reasons.

The Sub-Committee considered carefully the application a premises licence at Devon Store, 127 Obelisk Road and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy, Human Rights legislation and representations, both written and given orally today by Hampshire Constabulary, Trading Standards and the applicant.

In light of all the above the Sub-Committee has determined that the application be refused.

**REASONS**

The Sub-Committee considered very carefully the application and in particular points raised by the applicant including; that the premises are small, is covered by 7 CCTV

cameras, the partner of the applicant may help out, that the applicant will be on the premises for 30 hours a week (possibly more).

Further, the Sub-Committee accepted that the applicant, personally, was of good character without previous incident of concern. However, despite careful consideration of all the points raised by the applicant the Sub-Committee was not satisfied that those points outweighed the concerns of both Trading Standards and the Police. Those concerns were that the applicant would not be in a position to effectively supervise the premises and that maintaining his existing full time job elsewhere, would severely impact upon his ability to oversee the premises and the business in the way that he asserted. The Sub-Committee took note of the previous issue regarding the sale of non duty paid cigarettes at the premises and were concerned that the business owner remained the same and would continue to hold considerable, if not absolute, control of the business.

The previous sale when combined with the lack of cooperation with the subsequent investigation (failure to attend an arranged interview and subsequent allegation against the investigating officer) show a clear lack of engagement with, or respect of the licensing objectives on the part of the business owner – particularly the prevention of crime and disorder. On the basis of all the evidence that the Sub-Committee has heard, it remains unconvinced that the business owner will not continue to control, if not strongly influence, the sale of goods, which would include the sale of alcohol if the licence was granted, at the premises.

The Sub-Committee noted that the applicant is currently unconnected with the business other than for the purposes of this application. Further that the applicant, due to employment elsewhere, will not be at the premises at material times.

Whilst the Sub-Committee does not doubt the integrity of the applicant, this concern is sufficient to warrant a refusal on the basis that the Sub-Committee is not satisfied that the licensing objectives can be protected and upheld if the licence was granted.

There is a right of appeal to the Magistrates' Court. The formal notice of the decision will set out that right.

34. **APPLICATION FOR PREMISES LICENCE - MORRISONS LOCAL, UNIT 1, CITY GATEWAY, PARKVILLE ROAD, SOUTHAMPTON**

The Sub-Committee noted that the application for a premises licence in respect of Morrisons Local, Unit 1, City Gateway, Parkville Road, Southampton no longer required a hearing as the hours for the sale of alcohol had been agreed between the parties and the objectors had withdrawn their representations.