
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 29 MAY 2014

Present: Councillors Mrs Blatchford, Lewzey and Whitbread

Apologies: Councillors Parnell

89. **ELECTION OF CHAIR**

RESOLVED that Councillor Mrs Blatchford be elected as Chair for the purposes of this meeting.

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

It was noted that apologies had been received from Councillor Parnell and that an alternative member of the Licensing Committee attended; namely Councillor Lewzey.

91. **MINUTES OF THE PREVIOUS MEETINGS (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the meetings held on 24 and 29 April 2014 be approved and signed as a correct record.

92. **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the parties to the hearing, press and public be excluded at a predetermined point whilst the Sub-Committee reaches its decision.

93. **APPLICATION FOR A REVIEW OF A PREMISES LICENCE - PREMIER (COMMERCIAL EXPRESS) 89 COMMERCIAL ROAD, SOUTHAMPTON SO15 1GH**

The Sub-Committee considered the application for a review of a premises licence in respect of Premier (Commercial Express), 89 Commercial Road, Southampton SO15 1GH.

Mr Khaira (Director – Premier), Mr Underhill (Counsel), PC Norris (Hampshire Constabulary) and Mr Marshall (Trading Standards – SCC) 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 premises licence be suspended for a period of 1 calendar month and that additional conditions be imposed on the licence.

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

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

The Sub-Committee has considered very carefully the application for review of the premises licence at Premier (Commercial Express), 89 Commercial Road by Trading

Standards supported by Hampshire Constabulary. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy. Human Rights Legislation has been borne in mind whilst making this decision.

All the evidence presented both written and given orally today, has been carefully considered and taken into account.

The Sub-Committee has decided to suspend the premises licence for a period of 1 calendar month, commencing immediately following the expiry of the 21 day period for appeal and that the conditions outlined within the Trading Standards and Police representations be imposed on the licence, subject to minor amendment of the trading standards condition;

“The Premises Licence Holder must keep, for a minimum period of 24 months from the date of purchase...”

Reasons

The Sub-Committee considered all the options available in accordance with the legislation.

The Sub-Committee considered all the points raised on behalf of the premises licence holder and noted the acceptance of conditions suggested by both the police and trading standards. The Sub-Committee was satisfied that those conditions (subject to amendment) were both appropriate and proportionate to address the serious issue of non duty paid alcohol at the premises resulting from a clear lack of due diligence at the premises over a substantial period of time. After careful consideration it was not accepted that a suspension was not appropriate or proportionate, as advocated by the premises licence holder. This conclusion was arrived at due to the significant number of bottles found at the premises and the clear lack of management in purchasing alcohol at the price and in the manner described. The Sub-Committee accepted legal advice that it was not considering the criminality of the actions, nor was the Sub-Committee to address the matter with a view to issuing a penalty. However, the Sub-Committee was satisfied that this matter constituted a sufficiently serious issue to warrant a strong deterrent. The Sub-Committee did take into account the financial implications of the proposed 3 month suspension and the fact that the majority of sales at the premises relate to alcohol and therefore the impact of suspension will be significant. As a result a period of one calendar month was felt to be appropriate and proportionate.

There is a right of appeal for all parties to the Magistrates' Court. Formal notification of the decision will set out that right in full.