
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 19 AUGUST 2014

Present: Councillors Painton, Pope and Tucker

17. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meeting held on 7 August 2014 be approved and signed as a correct record.

19. **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.

20. **APPLICATION FOR REVIEW OF A PREMISES LICENCE - PREMIER QUICK SHOP, 290 SHIRLEY ROAD, SOUTHAMPTON SO15 3TR**

The Sub-Committee considered an application for review of a premises licence in respect of Premier Quick Shop, 290 Shirley Road, Southampton SO15 3TR.

Mr Underhill (Barrister), Mr Ali (Premises Licence Holder) and Mr Patel (DPS), PC Conway 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 premises licence be revoked.

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 Quick Shop, 290 Shirley Road by Hampshire Constabulary supported by Trading Standards. 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 particularly addressed itself to the licensing objectives for the prevention of crime and disorder, prevention of public nuisance and the protection of children from harm.

The Sub-Committee took time to read written submissions submitted by the Premises Licence Holder's representative as well as a written submission expanding upon the Trading Standards representation (in the absence of the Trading Standards Officer). Despite initial objection this was accepted by the parties.

Having considered all of the above and all the options available in accordance with the legislation, the Sub-Committee has determined to revoke the premises licence.

Reasons

The Sub-Committee considered very carefully the points raised on behalf of the Premises Licence Holder, including, but not limited to the following:

- That the revocation of the Premises Licence was in all the circumstances disproportionate.
- That the DPS could be changed to Mr Ali or another.
- That initiatives including those addressing the strength of alcohol available at the premises could be adopted.
- That the premises was due to undertake a re-branding exercise, whereby the range and extent of alcohol available for sale would be reduced (particularly, that Eastern European lagers would not be sold).
- That further conditions could be added and would be accepted along with a significant period of suspension.

However, the Sub-Committee remained unconvinced that the Premises Licence Holder could satisfactorily uphold and promote the licensing objectives. The Sub-Committee accepted the Police evidence relating to the area in which the premises is located in so far that it establishes that this is a problematic area, posing considerable challenges, in which to run a business selling alcohol. The Premises Licence had previously been the subject of a review and on that occasion conditions were imposed as well as a suspension of the Premises Licence. The purpose of such being to prevent the issue of underage sales. The Sub-Committee was extremely concerned that the evidence showed non-compliance with conditions in spite of the previous review and suspension imposed. The evidence showed an inability to follow advice and guidance offered by both Hampshire Constabulary and Trading Standards on the most fundamental issues. Of greatest concern was the further underage sale one year after the review decision. Whilst it was accepted that an attempted transfer of the business was undertaken, it was of considerable concern that confusion surrounds roles and responsibilities during such a critical period in light of the previous review. This only further served to undermine the Sub-Committee's confidence in the Premises Licence Holder and his ability to adhere to any conditions or restrictions had they been imposed today.

The Sub-Committee did take into consideration the statutory guidance including reference to the financial impact of the decision and whether revocation would be appropriate and proportionate after having identified the causes of the issues at the premises.

The Sub-Committee accepted Police evidence that the Premises Licence Holder only reacts to interventions rather than taking proactive steps. This was borne out by steps having been taken immediately after the previous review but then failing for a significant

period thereafter. In this regard the Sub-Committee was unconvinced by very recent steps undertaken at the premises and had real concern that the same are not likely to be maintained once proceedings were completed.

Having considered all the above the Sub-Committee felt it had no option other than to revoke the premises licence and that in light of previous action this was proportionate and appropriate.

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.