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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 24 JUNE 2015

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Present: Councillors Parnell, Thomas and Tucker

5. **ELECTION OF CHAIR**

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

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

**RESOLVED:** that the Minutes of the meeting held on 3<sup>rd</sup> June 2015 be approved and signed as a correct record.

7. **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.

8. **APPLICATION FOR REVIEW OF PREMISES LICENCE - HATCHERS CARD SHOP, 92 - 94 HIGH ROAD, SOUTHAMPTON SO16 2HZ**

The Sub-Committee considered an application for review of a premises licence in respect of Hatchers Card Shop, 92 - 94 High Road, Southampton SO16 2HZ.

Mr Patel (Premises Licence Holder and Designated Premises Supervisor), Mr Mintram (witness for Mr Patel), Ms C Hill (Trading Standards) and PC Boucouvalas and PC Cherry (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**

- (i) that the premises licence be suspended for a period of two weeks (to commence on the first Saturday following the expiry of the 21 day period for appeal, following formal notification of the decision); and
- (ii) that the conditions set out by the Police within the review application and subject to the agreed amendment, be added to the licence.

After private deliberation the Sub-Committee reconvened and the Chair read out 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 Hatchers Card Shop, 92 - 94 High Road, Southampton SO16 2HZ 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 including additional evidence submitted by the premises licence holder in advance of the hearing including a significant number of letters in support of the premises by way of character witness. In addition, a Refusals Register showing refusals made in June of this year. The Sub-Committee also heard from a witness of the premises licence holder in support. The Sub-Committee particularly addressed itself to the licensing objectives for the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

Having considered all of the above, and all the options under s52, sub section 4, the Sub-Committee has decided to suspend the premises licence for a period of two weeks to commence on the first Saturday following the expiry of the 21 day period for appeal, following formal notification of the decision.

The Sub-Committee has also decided to impose the conditions set out by the Police within the review application and subject to the following amendment:

- The removal of the Designated Premises Supervisor shall not be required in this case; and
- The condition relating to training instead of using the word 'staff' or 'member of staff' shall instead have the words 'persons selling alcohol at the premises'.

### **Reasons**

The Sub-Committee considered very carefully all the evidence and held very grave concerns in relation to the premises licence holder's ability to properly manage a premises of this type.

It takes the issues relating to a recorded history of drunkenness at the premises, an under-age sale, the unlawful display of cigarettes and the labelling of products particularly seriously. It should be stressed that the Sub-Committee did very seriously consider revocation in this instance. The combination of being under the influence and making alcohol sales is something that is totally unacceptable and in most circumstances would lead to revocation particularly when an under-age sale is made.

However, the Sub-Committee heard in mitigation that:

- the premises licence holder had held the premises licence for six years without reported incident.
- Police evidence confirmed that Mr Patel was, since the review was initiated, sober at the premises.

- Mr Patel is maintaining logs in relation to refusals and produced those to the Sub-Committee.
- Mr Patel accepts fully the proposed conditions.
- Mr Patel has implemented CCTV at the premises.
- Only Mr Patel and his wife shall serve alcohol save for occasional sales by his son and that all those selling alcohol shall undertake training.
- Mr Patel has shown remorse and regrets his actions and has given up alcohol.
- Mr Patel produced a significant number of letters in support from customers confirming his character and that other breaches had not been witnessed.
- Mr Mintram attended the hearing and spoke on behalf of Mr Patel.

In light of all of the above the Sub-Committee decided that revocation would not be appropriate and that a suspension for two weeks would act as a deterrent and enable the training of all persons due to sell alcohol.

The Sub-Committee must reiterate how close it has come to revoking the premises licence on this occasion and must clearly stress that any further issues of concern will place the premises licence in extreme jeopardy in the event of further review.

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.