
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 26 OCTOBER 2016

Present: Councillors J Baillie, Mrs Blatchford and Parnell

21. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meeting held on 29 September 2016 be approved and signed as a correct record.

23. **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.

24. **APPLICATION FOR GRANT OF PREMISES LICENCE - PAPA JOHNS PIZZA, 7 THE BROADWAY, PORTSWOOD ROAD, SOUTHAMPTON SO17 2WE**

The Sub-Committee considered the application for the grant of a premises licence in respect of Papa Johns Pizza, 7 The Broadway, Portswood Road, Southampton SO17 2WE.

Mr S Shar (Applicant) and Mrs J Jameson (Local Resident) 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 granted as amended during the course of the hearing and subject to conditions agreed with Hampshire Constabulary.

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 a premises licence at Papa Johns Pizza, 7 The Broadway, Portswood Road, Southampton SO17 2WE. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy.

The Sub-Committee considered the representations, both written and given orally today, by all parties. Human rights legislation has been borne in mind whilst making the decision.

The Sub-Committee heard that a late representation had been received from a resident, however the Sub-Committee having been referred to Section 18 (6) and (7) of the Licensing Act 2003 as well as the case of *Corporation of the Hall of Arts and Sciences v Albert Court Residents* decided to exclude that representation on the basis that it could not be considered valid.

Having considered all the above evidence and after having heard from the parties, the Sub-Committee has determined to grant the Premises Licence as applied for and subject to:

- the amendment of the application made by the Applicant during the course of the Hearing, and;
- the Conditions agreed with Hampshire Constabulary.

Reasons

The Sub-Committee noted that no representation had been received from any of the responsible authorities but notably Hampshire Constabulary (agreement having been reached on the basis of Conditions proposed by the Police and set out within the report). In addition it was noted that no concerns were raised by Public Health or Environmental Health. In the absence of representation, the assumption must be that the responsible authorities are satisfied with the application.

The Sub-Committee heard evidence from residents raising concerns notably regarding the potential for an increase in nuisance and littering. Whilst the Sub-Committee sympathises with these concerns it was forced to consider whether the evidence presented was sufficient to make it appropriate in all the circumstances to refuse the licence or restrict the operation of the premises.

The Sub-Committee heard evidence from the applicant that the premises is intended to be used as a delivery service and will make no face to face sales at the premises after 1.00am Monday to Saturday and 12.00 midnight Sundays. At this time Conditions agreed with the Police also require low lighting at the front of the premises to indicate that the premises is closed to customers wishing to make purchases on site. The Sub-Committee considered very carefully the potential impact of deliveries enabled by the licence after that time and until 3am, on Fridays and Saturdays only, to be minimal. This conclusion was reached on the basis that the Sub-Committee heard that only one vehicle would be used and that the area covered would be large in scope. Deliveries made during that time also would not be likely to contribute to littering within the locality of the premises.

Local residents can be reassured that in the event that the grant of the licence does in fact lead to issues of concern, relevant to the licensing objectives, a review may be initiated where evidence of the same can be considered and may result in appropriate steps being taken to address them.

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.