
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 26 JANUARY 2017

Present: Councillors Mrs Blatchford, Parnell and D Thomas

32. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meeting held on 4th January 2017 be approved and signed as a correct record.

34. **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.

35. **APPLICATION FOR REVIEW OF PREMISES LICENCE - HOPS & GRAPES, 200 SHIRLEY ROAD, SOUTHAMPTON SO15 3FL**

The Sub-Committee considered the application for review of premises licence in respect of Hops and Grapes, 200 Shirley Road, Southampton SO15 3FL.

Mr Nadanasabesan (Applicant), Mr Wallsgrove (Solicitor), Mr Marshall (Trading Standards), PC Boucouvalas and Police Staff Barrett (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 amended to include conditions proposed by the Police and Trading Standards.

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 Hops and Grapes, 200 Shirley Road, Southampton SO15 3FL by

Hampshire Constabulary and 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 and the protection of children from harm.

Having considered all of the above, and all the steps available under section 52, sub section 4, the Sub-Committee has decided to impose the conditions set out within the Trading Standards representation and relating to traceability, CCTV, refusals book, Challenge 25, training and high strength alcohol products. In addition the Sub-Committee has decided to impose the condition suggested by the Police relating to the sale of single cans of alcohol.

Reasons

The Sub-Committee heard evidence relating to an underage sale (aggravated by the staff member instigating a proxy sale), breach of a mandatory condition relating to the price of alcohol, potentially smuggled goods and issues relating to the labelling of products. All of these issues served to undermine the prevention of crime and disorder licensing objective. All of these issues are of particular concern, especially when in such a sensitive area which is experiencing difficulties with street drinking and subject to a Public Spaces Protection Order.

The Sub-Committee did consider very carefully whether a suspension would be appropriate in this case as a result, but heard persuasive evidence confirming that imposing a suspension would not have the usual deterrent effect, or assist in tackling the causes of the Review. In this sense this case is considered to be very much an exception. The Sub-Committee heard that the premises licence holder had suffered financial hardship as a result of the incidents outlined and that the premises licence shall be transferred (depending on the outcome of this hearing). As a result the Sub-Committee could see no benefit in imposing measures that would incur financial detriment to the business going forward.

In any other circumstance the Sub-Committee must stress that it would most likely have taken stronger steps than those imposed today.

The Sub-Committee accepted that the business had been operating under the Premises Licence holder's control for 11 years and had passed test purchases in 2010, 2011 and 2014. It did find on the balance of probabilities that training was lacking and that training records were not maintained appropriately. The Sub-Committee did not consider it to be of relevance whether the premises licence holder purposefully sought to purchase the alcohol and sell at a reduced price knowing it was illicit or had such bad practise that he should fail to carry out proper checks and fully understand his stock and it's provenance. This is reinforced by the general lack of compliance.

In light of all the circumstances, imposing the conditions and not suspending the licence was considered to be both 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.