
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 27 MAY 2020

Present: Councillors McEwing, Renyard and Streets

1. **ELECTION OF CHAIR**

In accordance with S.14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005, the hearing was held using video conferencing and the public were able to view a live stream of the proceedings using a web link published on the council website. This was in the interest of public safety given the isolation restrictions imposed by the Prime Minister as a result of the public health risks due to the Coronavirus or Covid-19. As a result the Council offices were closed to the public and this licensing sub-committee was held remotely with parties to the hearing participating by way of conference call.

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

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

RESOLVED that the minutes of the meetings held on 19 March and 1 April 2020 be approved and signed as a correct record.

3. **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

RESOLVED that the Sub-Committee move into private session in order to receive legal advice when determining issues. Following that private session, at which time the matter would be determined, written confirmation of the decision of the Sub-Committee will be distributed to all parties to the hearing.

4. **APPLICATION FOR GRANT OF PREMISES LICENCE - FREEMANTLE SUPERMARKET, 79 PARK ROAD, SOUTHAMPTON SO15 3DD**

The Sub-Committee considered the report of the Service Director – Communities, Culture and Homes for an application for grant of a premises licence in respect of Freemantle Supermarket, 79 Park Road, Southampton SO15 3DD.

Robert Girdlestone, Gary Girdlestone, Paul Crooks and Aftaab Deader, Local Residents and Lucas Marshall, Trading Standards Officer 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 granted subject to an amended terminal hour and amended conditions agreed with Hampshire Constabulary and Trading Standards.

Following that private session, it was noted that written confirmation of the decision of the Sub-Committee would be distributed to all parties to the hearing.

After private deliberation the Sub-Committee had determined the matter and all parties to the hearing were notified of the following decision:

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

This hearing was held as a virtual meeting using Microsoft Teams and was streamed live online for the press and public to view via the Live Events platform.

The Sub-Committee has considered very carefully the application for a premises licence at Freemantle Supermarket, 79 Park Road, Southampton SO15 3DD. 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 noted that the applicant failed to attend the hearing and it was clarified that this was not due to technical issues. The Sub-Committee considered the application as submitted and heard representations from the objectors, Mr R Girdlestone, Mr B Girdlestone and Mr P Crooks; and from Mr Deader, supporting the application.

The Sub-Committee considered the representations, both written and given orally today, by all parties. The Human Rights Act 1998, The Equality Act 2010 and The Crime and Disorder Act 1998 Section 17 have been considered whilst making the decision.

It was noted that the application was amended by the provision and agreement by Hampshire Constabulary and Trading Standards of proposed conditions as set out in the email of Lucas Marshall dated 3 April.

The Sub-Committee noted that the objections related to historic issues at the premises which concerned problems later in the evening. There was concern that the Sub-Committee was not able to hear from the applicant or his representative as to how these concerns would be addressed.

The Sub-Committee was also mindful that the legislation provides for a presumption of grant of a licence, unless the Licensing objectives cannot be met by conditions.

In light of all the above the Sub-Committee has determined that the application should be granted, subject to the amended conditions agreed with Hampshire Constabulary and Trading Standards as set out above. The grant is also subject to a terminal hour of 9:00 pm every day. For clarity the licence is granted for supply of alcohol between the hours of 8:00 am and 9:00 pm every day.

Reasons

The Sub-Committee considered very carefully all the representations objecting to the application. It noted the strength of feeling and the concerns in respect of the licensing objectives that were raised and that there was no opportunity to question the applicant about this.

The Sub-Committee also carefully considered the representations made in support of the application. In particular it noted the fact that Hampshire Constabulary and Trading Standards had agreed conditions with the applicant.

Weighing up all of the above, the Sub-Committee does not consider it would be appropriate or proportionate to refuse the application at this time on the basis of the evidence presented. The Sub-Committee concluded that it would be appropriate and proportionate to grant the licence subject to the revised conditions and limited hours.

Residents and local businesses can be reassured that where the grant of any application leads to an adverse impact upon the licensing objectives a review of the licence can be brought by them and appropriate steps taken at that time.

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.