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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 29 JULY 2020

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Present: Councillors McEwing, Renyard and Vaughan

5. **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.

6. **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

It was noted that the Service Director for Legal and Governance, acting under delegated powers, had appointed Councillor Vaughan as a substitute for Councillor Streets on the Licensing (Licensing and Gambling) Sub-Committee for the purposes of this meeting.

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

**RESOLVED** that the minutes of the meetings held on 27 May 2020 be approved and signed as a correct record.

8. **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.

9. **APPLICATION FOR NEW PREMISES LICENCE - ARROW SUPERMARKET, 61-63 BERNARD STREET, SOUTHAMPTON SO14 3BA**

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 Arrow Supermarket, 61-63 Bernard Street, Southampton SO14 3BA.

The Applicant, Mrs. Sonal Thakkar, and the applicant's representative, Mr. Panchal, were present and with the consent of the Chair, addressed the meeting.

None of the individuals who had made representations was present at the commencement of the meeting and it was confirmed that none had indicated in advance to the Licensing team that they would attend. One individual, who had made a

representation, tried to join the meeting late but was unable to do so despite attempts to resolve IT issues. After considering the matter the sub-committee decided to proceed on the basis that they had his written representation and would take it into account in the usual manner in making their eventual decision.

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 amended terminal hours 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.

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 considered very carefully the application for a premises licence at ARROW SUPERMARKET, 61-63 BERNARD STREET, SOUTHAMPTON SO14 3BA. 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. 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.

The Applicant's representative confirmed to the Committee that following discussion with Police and Trading Standards, both the Opening hours applied for, and the hours for the supply by Retail of alcohol (for consumption off the premises) have been amended so that the hours sought are: -

**Supply by retail of alcohol:**

**0700-00.00 Monday, Tuesday, Wednesday, Thursday and Sunday**

**And**

**0700-02.00 Friday and Saturday**

**Opening Hours of the Premises**

**0700-00.00 Monday, Tuesday, Wednesday, Thursday and Sunday**

**And**

**0700-02.00 Friday and Saturday**

The Police and Trading Standards have confirmed in writing, in emails contained in the hearing pack that they do not object to the proposed amended hours.

Further, the Applicant confirmed that the discussions have also resulted in proposed conditions that are agreed by the Applicant, Police and Trading Standards, as set out at pages 4, 5 and 6 of the report and one further condition that had been agreed in advance of the hearing with Trading Standards and is referred to as agreed in the email from Trading Standards at page 41 of the Report, but was omitted from the summary of agreed conditions in the Report, namely

“Record Keeping

The Premises Licence Holder must keep, for a period of 24 months, complete records, such as invoices, receipts and delivery notes, relating to alcohol and tobacco products obtained by him for sale from his premises. Records must include the name, address, AWRS number (for alcohol suppliers) and telephone number of the supplier, the date of supply, the products supplied, and their prices. These details must be available on request to Responsible Authorities within 24 hours. The Premises Licence Holder must be able to identify who supplied alcohol and tobacco products present at his premises.”

As a result of the agreed amended hours and proposed agreed conditions, the Police and Trading Standards have stated in emails within the pack (pages 32 and 41) that they do not consider a hearing necessary and did not attend.

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, as amended, should be granted, subject to the conditions agreed with Hampshire Constabulary and Trading Standards as set out above.

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.

The Sub-Committee discussed at some length possible additional reduction of the hours for supply by retail of alcohol in the light of the concerns expressed by the representations.

The Sub-Committee also carefully considered the representations made on behalf of the applicant. In particular, it noted the fact that Hampshire Constabulary and Trading Standards had agreed conditions with the applicant and had not attended.

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 additional conditions and reduced 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.