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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 20 September 2012

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Present: Councillors Mrs Blatchford, Cunio and Lewzey

43. **ELECTION OF CHAIR**

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

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

**RESOLVED** that the Minutes of the meeting held on 6<sup>th</sup> September 2012 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

45. **EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED** that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the press and public be excluded at a predetermined point whilst the Sub-Committee reached its decisions.

46. **APPLICATION FOR PREMISES LICENCE - ALDERMOOR CONVENIENCE STORE, 237-239 ALDERMOOR ROAD, SOUTHAMPTON, SO16 5NU**

The Sub-Committee considered the application for a premises licence in respect of Alder Moor Convenience store, 237-239 Alder Moor Road, Southampton, SO16 5NU. (Copy of report circulated with the agenda and appended to the signed minutes).

Mr B S Pottiwai, Applicant, Mr P Spink, Counsel to the Applicant, PC Prior, Sgt. Wood, Hampshire Constabulary, Mr Bartolli, Ms Pearce, Ms McKee, Ms Bickers, Mr Whitmarsh, Mrs Stoner, Mr Jarvis, Ms Jewell, Ms Revell, Mr Cave, Mr O'Connell, residents and Councillor Spicer, Ward Councillor 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 2003 (Hearings) Regulations 2005.

**RESOLVED** that:-

- (i) the application be granted in the terms sought, subject to the steps/conditions set out in the operating schedule of the application in relation to Staff Training, Challenge 25, CCTV, Log relating to incidents at the premises, Security Guard and Refusals Book; and
- (ii) subject to the following further (and / or amended) conditions :-

- All alcohol is to be stored behind the sales counter, unless it is kept within a locked cabinet (to which only staff shall have access).
- Staff shall be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, signs and symptoms of drunk persons, refusal of sale due to intoxication, use of the refusals book and incident log. Records are to be kept of such training, which are signed and dated by the member of staff who has received the training. Staff shall receive refresher training at least every six months. Records shall be signed and dated by the member of staff who undertakes the refresher training. Records will be available for inspection by Hampshire Constabulary and the Licensing Authority. Records will be kept for a minimum period of two years.
- The premises shall have one member of door staff to monitor the entrance/ exit on any day the premises are open for the sale of alcohol between the hours of 18.00hrs and 23.00hrs (earlier if the premises is closed).
- In addition to the door staff (when applicable) the premises shall have a minimum of two members of staff working at any given time.
- The premises shall have sufficient cameras located to cover all public areas and to cover the immediate area outside. The system should be able to cope with all levels of illumination throughout the premises as well as outside areas.

The CCTV system shall operate at all times the premises are open for licensable activities.

All equipment shall have a constant and accurate time and date generation.

There shall be sufficient members of trained staff available during operating hours to be able to provide copies of recordings at the request of the police or authorised officer.

CCTV warning signs are to be fitted in public places.

Recordings are to be kept for a minimum of 28 days.

The DPS or premises manager must be able to demonstrate that they have incorporated a recording management system that prevents recordings being tampered with, stolen, misplaced or a failure to record.

Recording equipment is to be housed in a secure place restricting access to authorised persons only. This can be on a computer which is password protected.

All the above systems, signage, hardware and procedures are to be installed at the premises to the reasonable satisfaction of the Police, to be confirmed in writing, having due regard to the Home Office guidelines relating to UK police requirements for digital CCTV systems or any other such guidance in force from time to time.

## **REASONS**

The Sub-Committee has considered very carefully the evidence of the police and residents relating to the licensing objectives, but were satisfied that the steps proposed by the operating schedule would, on balance, be sufficient to address the four licensing objectives.

The Sub-Committee considered very carefully the potential for problems caused by the premises in this location and noted the strength of feeling of residents regarding additional nuisance, but felt that the conditions put forward were sufficient to address the issues of anti-social behaviour.

Those issues, of which the most serious dated back to 2006, were not considered likely to recur if the premises had the conditions outlined above (in addition to the steps outlined in the operating schedule) attached to the licence. The Sub-Committee had to very carefully evaluate the potential risk based on historic events and balance that against the evidence suggesting a change in the nature of the locality combined with significant steps proposed by a responsible retailer.

The Sub-Committee does hold very serious concerns in relation to the location of this premises, the historic evidence showing crime and anti-social behaviour and issues regarding such raised by residents. Despite the residents' and the Sub-Committee's concerns, very careful analysis of the evidence presented did not sufficiently show on balance that it was appropriate and proportionate at this time to refuse a licence in this instance. Whilst considering this the Sub-Committee took into account the significant steps that the applicant has proposed.

The Sub-Committee accepted the argument put forward for the applicant that prohibiting a licence, regardless of the safety measures and steps undertaken, is only acceptable where the most clear and substantial evidence supports the same. In this respect the most serious issues regarding the locality date back a significant period. The most recent evidence tends to support the case that the area has improved.

The Sub-Committee whilst making its deliberations sought legal advice regarding the review of a Premises Licence. It was confirmed that review is not necessarily prevented by a Premises Licence Holder undertaking best practice. Accordingly the argument that a review can not be requested where events are outside the control of the Premises Licence Holder is rejected. As a result residents can be reassured by the fact that the Licensing Act 2003 does allow for significant steps to be taken in the event that a premises does cause issues and undermines the licensing objectives in the future. Evidence showing a clear causal link to the premises shall be taken extremely seriously and both the police and local residents may initiate a review in the event that issues arise.

The Sub-Committee accepted legal advice, and did not take commercial need or demand into consideration whilst making its decision.

## RECOMMENDATIONS

- That in light of the significant historic issues it is recommended that the premises licence holder co-operate with the police with regards any initiative including, for example, bottle marking.
- It is stressed that maintaining a positive working relationship with the police is of utmost importance.