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

Present: Councillors Parnell, Thomas and Tucker

71. **ELECTION OF CHAIR**

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

72. **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

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

RESOLVED that the Minutes of the Meeting held on 29th November 2012 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

74. **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.

75. **APPLICATION FOR PREMISES LICENCE - KHAN INTERNATIONAL SUPERMARKET, 179-181 SHIRLEY ROAD, SOUTHAMPTON, SO15 3FG**

The Sub-Committee considered the application for a premises licence in respect of Khan International Supermarket, 179-181 Shirley Road, Southampton, SO15 3FG. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Thangavel, Premises Licence Holder/Applicant, Mr Sarma, family member, Mr Hudson, Licensing Consultant for Applicant, PC Conway and PC Smith, 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 2003 (Hearings) Regulations.

RESOLVED that the application for a premises licence be granted, subject to:-

- i. the conditions outlined in the operating schedule and, in addition, as detailed in the police representation. **NB** – where the police conditions repeat or contradict those set out in the operating schedule, the police conditions shall prevail; and
- ii. the following additional conditions:-
 - the premises licence holder shall ensure that the premises participate in any bottle-marking exercise or scheme as and when required by either the police or trading standards; and

- each and every sale of alcohol shall be directly supervised and authorised by either the Designated Premises Supervisor or a personal licence holder.

REASONS

The Sub-Committee considered very carefully the application for a premises licence at Khan International Supermarket and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy and Human rights legislation.

The Sub-Committee considered very carefully all the evidence submitted by both parties, both written and given orally today, in particular that relating to crime and disorder in the immediate vicinity of the premises. It was common ground that the area, generally, suffered from a disproportionate level of anti-social behaviour including street drinking, litter and public nuisance. However, despite these clear concerns the Sub-Committee noted a lack of direct evidence showing a causal link to any premises within the area as a result of sales of alcohol.

The argument advanced by the police was that in light of the nature and number of incidents in the area it necessarily followed that an additional premises supplying alcohol in the area would lead to an increase in those issues. The Sub-Committee had grave concerns regarding the nature and number of the incidents reported, however, decided that in light of the lack of direct evidence, it was not appropriate to refuse the premises licence.

It was felt that on balance the above conditions would be sufficient and appropriate measures, if properly implemented, to address the anti-social behavioural issues and that it was appropriate that the conditions required additional control of alcohol sales than normally expected.

The Sub-Committee, whilst making this decision, took into account the ability to make representation in the future, which would lead, where evidence showed the premises were the cause of anti-social behaviour, to a review hearing where steps could be taken to address the issues.

76. **APPLICATION FOR PREMISES LICENCE - WORLD SHOP, 210-214 SHIRLEY ROAD, SOUTHAMPTON, SO15 3FL**

The Sub-Committee considered the application for a premises licence in respect of World Shop, 210-214 Shirley Road, Southampton, SO15 3FL. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Hussein, Owner/Applicant, Mr Crier, Solicitor for the Applicant, PC Conway and PC Smith, 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 2003 (Hearings) Regulations.

RESOLVED that the application for a premises licence be granted subject to:-

- iii. the conditions outlined in the operating schedule and in addition, as detailed in the police representation. **NB** – where the police conditions repeat or contradict those set out in the operating schedule, the police conditions shall prevail; and
- iv. the following additional conditions:-
 - each and every sale of alcohol be directly supervised and authorised by either the Designated Premises Supervisor or a personal licence holder;
 - sales of single cans of alcohol shall be prohibited unless part of a basket of goods other than alcohol;
 - the sale of alcohol shall only be permitted between the hours of 09h00 and 23h00 daily;
 - all alcohol shall not be visible or accessible to customers during hours that the premises may be open but not licensed for the sale of alcohol; and
- v. the premises licence holder be recommended to implement the policy requiring a security guard on the premises between the hours of 14h00 to 23h00.

REASONS

It was noted that the nature of the objection raised by the police and much of the evidence submitted directly mirrored that relating to a previous application heard immediately prior to this matter. The reasons set out below therefore draw the same conclusions, albeit that the Sub-Committee considered each application on its own merits.

The Sub-Committee considered very carefully all the evidence presented, in particular that relating to crime and disorder in the immediate vicinity of the premises. It was common ground that the area, generally, suffered from a disproportionate level of anti-social behaviour including street drinking, litter and public nuisance. However, despite these clear concerns the Sub-Committee noted a lack of direct evidence showing a causal link to any premises within the area as a result of sales of alcohol.

The argument advanced by the police was that in light of the nature and number of incidents in the area it necessarily followed that an additional premises supplying alcohol in the area would lead to an increase in those issues. The Sub-Committee had grave concerns regarding the nature and number of the incidents reported, however, felt that in light of the lack of direct evidence, it was not appropriate to refuse the premises licence.

It was felt that on balance the above conditions would be sufficient and appropriate measures, if properly implemented, to address the anti-social behavioural issues and that it was appropriate that the conditions required additional control of alcohol sales than normally expected.

Whilst the reasons above closely matched those given previously, it should be noted that the applicant in this case voluntarily offered different proposed steps to the previous applicant which were noted and accepted by the Sub-Committee given that each case must, as previously stated, be considered on its own merits.

The Sub-Committee, whilst making this decision, took into account the ability to make representation in the future, which would lead, where evidence showed the premises were the cause of anti-social behaviour, to a review hearing where steps could be taken to address the issues.