
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 14 March 2013

Present: Councillors Cunio, Fitzhenry and Lewzey

91. **ELECTION OF CHAIR**

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

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

RESOLVED that the Minutes of the Meeting held on 28th February 2013 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

93. **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.

94. **APPLICATION TO VARY A PREMISES LICENCE - ISOBAR, 100C ST MARY STREET, SOUTHAMPTON, SO14 1PE**

The Sub-Committee considered the application to vary a premises licence in respect of Isobar, 100C St Mary Street, Southampton, SO14 1PE. (Copy of report circulated with the agenda and appended to the signed minutes).

Mr A Franklin, Applicant, PC Norris and PC Conway, 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 2005.

During the course of the hearing the Sub-Committee resolved to exclude the public in accordance with Regulation 14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005.

RESOLVED that the application to vary a premises licence be refused.

95. **APPLICATION FOR PREMISES LICENCE - ARROW CONVENIENCE (BEST ONE), 91-93 LODGE ROAD, SOUTHAMPTON, SO14 6RE**

The Sub-Committee considered the application for a premises licence in respect of Arrow Convenience (Best One), 91-93 Lodge Road, Southampton, SO14 6RE. (Copy of report circulated with the agenda and appended to the signed minutes).

Mr Thakkar, Applicant, Mr Savill, Counsel for Applicant and Mr Patel, Objector were present and with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with Licensing Act 2003 (Hearings) Regulations 2005.

RESOLVED that the application for a premises licence be granted subject to the conditions agreed with the police on pages 38-40 of the bundle with the following minor amendments:-

- CCTV – addition of wording “as soon as reasonably practicable” to the end of the condition.
- Incident Book – deletion of the word “door” in the penultimate sentence.
- Bottle Marking – replacing “Personal” with “Premises”.

REASONS

The Sub-Committee considered the application for a premises licence at the Arrow Convenience Store (Best One) and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy, Human Rights legislation and the evidence submitted by all parties both written and given orally today

The Sub-Committee noted that the premises licence holder had co-operated with the police and the agreed conditions as set out on Pages 38-40 of the bundle would be attached to the licence, if granted. It was also noted that the applicant had experience of managing off-licensed premises and Mrs Thakker would be the DPS at the applicant’s premises in Millbrook Southampton and that Mr Thakker would be the DPS at the Lodge Road premises.

The Sub-Committee attached due weight to the representations of residential objectors who had signed a pro-forma letter, in addition to the representation of Mr Patel, a local resident and business proprietor and noted that no responsible authority or authorised person had made a representation expressing concern or objecting to the application.

The Sub-Committee considered very carefully the evidence of the residents relating to the licensing objectives and accepted legal advice in private session relating to the Cumulative Impact Policy that it did not apply in this instance. The Sub-Committee were satisfied that the steps proposed by the applicant, which had been agreed with the police, would be sufficient to address the four licensing objectives and those issues raised within the objections.

The Sub-Committee considered very carefully the potential for problems caused by the premises in this location, but were cognisant that the police were now satisfied with the application and had agreed conditions.

The Sub-Committee noted that the Guidance and the Council's Licensing Policy indicated that a premises ought generally be allowed to sell alcohol for the hours the premises were open unless there was good reason not to do so.

In reaching this decision, the Sub-Committee accepted the applicant's position that any determination must be based on evidence and in light of the representations, the evidence was not sufficient to justify (on the basis of it being appropriate or necessary to do so) any restriction or additional conditions at this time.

Residents could be reassured that the Licensing Act 2003 did allow for significant steps to be taken in the event that a premises caused issues and undermined the licensing objectives in the future.