
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 19 DECEMBER 2013

Present: Councillors Mrs Blatchford, Lewzey and Whitbread

50. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meetings held on 14 and 21 November 2013 be approved and signed as a correct record.

52. **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 reach its decisions.

53. **APPLICATION FOR REVIEW OF PREMISES LICENCE - TESCO EXPRESS, LORDSWOOD ROAD, SOUTHAMPTON SO16 6LN**

The Sub-Committee considered the application for a review of a premises licence in respect of Tesco Express, Lordswood Road, Southampton SO16 6LN.

Mr Bark (Solicitor), Ms Purewal (Tesco Head Office Licensing Manager), Martin Wilson (Tesco Store Manager and DPS), Mr Dewey (Tesco Operations / Area Manager), PC Norris and PC Conway (Hampshire Constabulary) and Councillor Thomas (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 (Hearings) Regulations 2005.

RESOLVED that the premises licence be revoked.

After private deliberation the Sub-Committee reconvened and the Chair read the following decision:-

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

The Sub-Committee has considered very carefully the application for review of the premises licence at Tesco Express, Lordswood Road by Hampshire Constabulary supported by Trading Standards and residential objectors. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy. Human Rights Legislation has been borne in mind whilst making this decision.

All the evidence presented both written and given orally today, has been carefully considered and taken into account, including the additional information submitted.

The Sub-Committee has decided to revoke the premises licence. The Sub-Committee heard evidence as to the quality and quantity of procedures, policies and training regimes and that these were not challenged. It was also noted that all parties were of the view that the current conditions on the licence should be adequate, nevertheless there had been three underage sales in a nine month period which is unprecedented in Southampton.

The Sub-Committee noted that following the first failure the premises were warned by the police that a test purchase campaign would be run in August 2013 and failed a further test purchase on 8 August. There was then a further failure on 18 September, despite previous warnings and failed purchases. The Sub-Committee was of the view that staff should have been extra vigilant in these circumstances. The Sub-Committee considered the steps which had been taken with a view to addressing the failures but was not satisfied that these would be sufficient.

The Sub-Committee was gravely concerned about failure to meet the licensing objectives of prevention of crime and disorder and particularly protecting children from harm. It did not believe that a warning was appropriate or proportionate in this case. Having heard that additional or revised conditions would not address these failures the Sub-Committee believe it is appropriate and proportionate to revoke the licence and this is not a punitive measure.

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.