
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 16 JANUARY 2014

Present: Councillors Cunio, Pope and Vassiliou

54. **ELECTION OF CHAIR**

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

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

RESOLVED to defer approval of the Minutes of the meeting held on 19 December 2013 to seek further advice.

56. **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.

57. **APPLICATION FOR PREMISES LICENCE - BEST IN, 118 ST. MARY'S ROAD, SOUTHAMPTON SO14 0BL**

The Sub-Committee considered the application for a premises licence in respect of Best In, 118 St Mary's Road, Southampton SO14 0BL, attached.

In accordance with Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005 the Sub-Committee determined to proceed in the absence of the Parties who had not indicated whether or not they intended to appear or be represented at the hearing.

Mr Thangavel (Applicant) was present and with the consent of the Chair, addressed the meeting.

The Sub-Committee sought clarification from the applicant in relation to the hours of opening on a Sunday and hours for supply of alcohol by retail. The applicant confirmed that he wanted to have a premises licence for supply of alcohol by retail and the opening hours on a Sunday to be until 00:00. (The opening hours on a Sunday on the application form were only to 22:00.)

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

RESOLVED that the premises licence be approved.

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

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

The Sub-Committee considered very carefully the application for a premises licence at "Best In", 118 St Mary's Road, Southampton SO14 0BL. 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 very carefully the representations, both written and given orally today, by the applicant and other persons. Human rights legislation has been borne in mind whilst making the decision.

The Sub-Committee noted that the ten representations received were all from residents objecting to the application.

These were upon similar grounds concerning all four Licensing Objectives, largely (but not exclusively) arising from concerns of a likely increase in anti social behaviour in the area from persons in drink, and associated public nuisance together with increased exposure of children to these problems. Concern was also expressed about the hours during which alcohol sales are applied for.

Further deep concern was expressed by residents about the number of premises already selling alcohol in the vicinity.

One representation cited objections to the applicant.

The Sub-Committee noted that the Police had not objected to the application upon the basis of conditions which they had agreed with the applicant.

In consideration of all the above, the Sub-Committee has determined to grant the application in the terms sought (supply of alcohol Monday to Sunday 08:00 to 00.00) subject to conditions as below.

For clarification the hours the premises are open to the public was confirmed by the applicant as 06:00 to 00:00 Monday to Saturday and 08:00 to 00:00 on Sunday and not 08:00 to 22:00 on Sunday as contained in the application.

The notice of application is correct in advertising that the application was for the sale by retail of alcohol Monday to Sunday 08:00 to 00.00)

Conditions

The grant of the application is subject to the following conditions (which are described below where they have been amended/ altered or added to those set out in the application - for the avoidance of doubt, any proposed step / condition set out in the application [operating schedule] shall continue to apply despite not being mentioned here).

- No beers, ciders or lagers of above 6.5%ABV or above shall be sold by retail, excluding premium products as agreed in writing in advance, with Hampshire Constabulary Licensing team
- Each and every sale of alcohol must be directly supervised and authorised by 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.

REASONS

The Sub-Committee has considered very carefully the evidence of the residents relating to the licensing objectives, but was satisfied that the steps proposed by the operating schedule with the additional agreed conditions 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 anti social behaviour and nuisance, but felt that the conditions put forward were sufficient to address the issues raised by the residents, which were in the nature of general concerns.

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.

There is a right of appeal for all parties to the Magistrates' Court. The formal notification of the decision will set out that right.

Recommendation (this is not a condition)

The application should ensure that the Training Package is provided to the Police, if not already provided, as soon as possible for final approval.