
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 19 MARCH 2015

Present: Councillors Lewzey, Lloyd and Tucker

51. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meeting held on 5 March 2015 be approved and signed as a correct record.

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

RESOLVED that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the parties to the hearing, press and public be excluded at a predetermined point whilst the Sub-Committee reaches its decision.

54. **APPLICATION FOR VARIATION OF A PREMISES LICENCE - MANOR SERVICE STATION, 123 BITTERNE ROAD WEST, SOUTHAMPTON SO18 1AR**

The Sub-Committee considered an application for a variation of a premises licence in respect of Manor Service Station, 123 Bitterne Road West, Southampton SO18 1AR.

In accordance with Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005 the Sub-Committee determined to proceed with the hearing in the absence of a number of the residential objectors.

Mr R Botkai (Solicitor), Mr Sritharan (Manager, Manor Service Station) and Councillor White (representing residential objector, Miss N Williams) 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 application for a variation of a premises licence be granted.

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 a variation of a premises licence at Manor Service Station, 123 Bitterne Road West. 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 was borne in mind whilst making the decision.

As a result, and in consideration of all the above, the application to vary the licence is approved as applied for and subject to the conditions agreed between the applicant and the police. The conditions relate to; recording refusals, incident book, CCTV, night pay window, high strength beer / cider, sale of single cans, challenge 25 and signage. Full details of these conditions are set out in full within the hearing report.

Reasons

The Sub-Committee considered very carefully the written representations of local residents insofar as they relate to the licensing objectives. It also heard evidence from Councillor White, representing a resident (Miss Williams). The Sub-Committee accepts that there may be some issues in the locality relating to anti-social behaviour and the congregating of youths. The Sub-Committee has not considered the increased risk of drink driving as a point of substance. It is also noted that residents have raised concern relating to the lack of toilet provision in the area and issues faced as a result. However, despite carefully considering all of these points, the Sub-Committee was not satisfied that the evidence presented showed a sufficient link between the operation of the premises, particularly the sale of alcohol, and the anti-social behaviour.

The premises currently operates during a 24 hour period and the application relates to the extension of the sale of alcohol during those hours. The Sub-Committee was referred by the applicant to the statutory guidance which states that shop premises should ordinarily be entitled to sell alcohol at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

The Sub-Committee understands the concerns for the potential risk created by the additional hours, however, has been presented with no evidence of any concerns at the premises relating to alcohol sales during existing hours. In this respect the apparent lack of any link between the issues reported and the premises was key. The strict conditions agreed with the police has provided the Sub-Committee with considerable reassurance that they shall be sufficient to address potential issues relating to crime and disorder. The Sub-Committee is also bound to accept the inference that by withdrawing their objection (on the basis of the conditions), the police are satisfied, as the lead authority for crime and disorder matters, with the application.

Local residents can be reassured that in the event that the variation application does in fact lead to issues of concern relevant to the licensing objectives, a review may be initiated, where evidence of the same can be considered and may result in appropriate steps being taken to address them.

The Sub-Committee was pleased to hear that the applicant was willing to engage with local residents to discuss and co-operate going forward. The Sub-Committee strongly recommends that this is undertaken and that the parties make every effort to report issues of concern.

It was also noted that the applicant shall explore public toilet provision at the premises, if possible.

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.