
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 21 OCTOBER 2015

Present: Councillors Galton, Parnell and Tucker

13. **ELECTION OF CHAIR**

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

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

RESOLVED: that the Minutes of the meeting held on 1st October 2015 be approved and signed as a correct record.

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

RESOLVED

(i) that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 the Sub-Committee determined to exclude the press and public from all of the hearing after consideration of the public interest; and

(ii) 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 decisions.

16. **APPLICATION FOR A SUMMARY REVIEW OF PREMISES LICENCE - SNA SUPERMARKET, 11 MANOR FARM ROAD, SOUTHAMPTON SO18 1NN**

The Sub-Committee considered the application for a summary review of premises licence in respect of SNA Supermarket, 11 Manor Farm Road, Southampton SO18 1NN.

Lucas Marshall (Trading Standards – SCC) and PC Boucouvalas and PC Cherry (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 (Hearings) Regulations 2005.

RESOLVED that the premises licence be revoked and that the interim steps determined on 1 October 2015 i.e. the suspension of the premises licence and removal of the designated premises supervisor, remain in force pending any appeal.

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

All parties will receive written notification of the decision with reasons.

The Sub-Committee determined that the hearing should proceed with the press and public excluded in that the public interest in so doing outweighed the public interest in the hearing taking place in public, in view of the continuing Police investigation

and the sensitivity of the information disclosed within the appendices to the report and discussed in the course of the hearing.

The Sub-Committee has considered very carefully the application by the Police for summary review of the premises licence for SNA Supermarket, 11 Manor Farm Road, Bitterne Park, Southampton SO18 1NN.

It has given due regard to the provisions of the Licensing Act 2003, including the statutory licensing objectives, the statutory guidance, the Secretary of State's summary review guidance and the City Council's adopted statement of licensing policy. Human rights legislation has also been borne in mind.

The Sub-Committee notes that, following suspension of the premises licence and removal of the designated premises supervisor on 1 October 2015 as interim steps, the premises licence holders did not seek to make representations against that decision by the Sub-Committee.

The Sub-Committee has determined to revoke the premises licence for SNA Supermarket, 11 Manor Farm Road, under section 53C of the Licensing Act 2003.

The Sub-Committee has also determined that the interim steps determined on 1 October 2015 i.e. the suspension of the premises licence and removal of the designated premises supervisor, should remain in force pending any appeal.

Reasons

The Sub-Committee has considered very carefully the certificate of Superintendent Fulton, all the evidence submitted by the Police and the representation by Trading Standards, both written and given orally today, and the written representations provided by the premises licence holders' Solicitors.

The Sub-Committee has carefully considered all the options set out in section 53C(c) of the Licensing Act 2003:

- (a) the modification of the conditions of the premises licence,
- (b) the exclusion of a licensable activity from the scope of the licence,
- (c) the removal of the designated premises supervisor from the licence,
- (d) the suspension of the licence for a period not exceeding three months,
- (e) the revocation of the licence.

The Sub-Committee considers that the alleged serious criminal offences involving persons concerned with the business conducted at those premises, including one of the premises licence holders, make it appropriate and proportionate for the promotion of the licensing objectives for the premises licence to be revoked and for the interim steps of suspension of the licence and removal of the designated premises supervisor to remain in force pending any appeal.

The Sub-Committee has considered the financial implications of its decision in accordance with the statutory guidance, particularly paragraphs 11.24 to 11.28 and, whilst it does take the impact seriously, has had to put its role in promoting the licensing objectives to the forefront.

In this respect, all other available measures were deemed insufficient, given the serious nature of the evidence presented to the Sub-Committee. In weighing up the risks attached to continued trading, particularly where the premises retains a clear

link to one of the current premises licence holders, the Sub-Committee feels it has no option other than to revoke the licence and maintain the interim suspension and removal of the designated premises supervisor in order to assist in preventing crime, in accordance with statutory licensing objectives and the Licensing Authority's over-arching duties, under section 17 of the Crime and Disorder Act 1998, to have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

There is a right of appeal to the West Hampshire Magistrates' Court against the Sub-Committee's decision. All parties will receive written notification of the decision with reasons and that notification will set out the right of appeal in full.

The Sub-Committee is satisfied that it is in the public interest that the report, appendix 2 (premises licence), appendix 3 (notice of summary review), appendix 4 (the decision of the Sub-Committee on interim steps, 1 October 2015) and this decision may now be published, but that appendix 1 (Police application for summary review, certificate and representations) together with the written submissions on behalf of the premises licence holders and appendix 5 (representations) should remain confidential.