
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 2 DECEMBER 2015

Present: Councillors Spicer, Tucker and Vassiliou

17. **ELECTION OF CHAIR**

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

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

RESOLVED: that the Minutes of the meeting held on 24th October 2015 be approved and signed as a correct record.

19. **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.

20. **APPLICATION FOR A VARIATION OF A PREMISES LICENCE - PREMIER EXPRESS, 19 ADDIS SQUARE, PORTSWOOD ROAD, SO17 2NE**

The Sub-Committee considered the application for a variation of a premises licence in respect of Premier Express, 19 Addis Square, Portswood Road, SO17 2NE.

PC Boucouvalas and PC Cherry (Hampshire Constabulary), Jane Clarke (local resident), Adrian Vinson (Highfield Residents Association) and Councillor Claisse (ward councillor) were present and with the consent of the Chair, addressed the meeting.

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 the applicant.

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 in part, and with additional conditions as agreed with Hampshire Constabulary.

After private deliberation the Sub-Committee reconvened and the Chair read out 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 Premier Express, 19 Addis Square, Portswood Road, SO17 2NE.

The Sub-Committee considered representations, both written and given orally today. Due regard was given to the Adopted Statement of Licensing Policy, the Licensing Act 2003 (and regulations thereunder) and the statutory guidance. Human rights legislation has been borne in mind whilst making the decision.

The Sub-Committee had to consider whether the hearing should proceed in the absence of the applicant. An email had been received in advance of the hearing from the applicant and legal advice was accepted that this could be considered in light of it having been received by the Licensing Authority in advance of the hearing (despite the other parties not having seen it in advance). The email in effect spoke to the application but did not indicate whether the applicant intended to attend.

The Police were in attendance at the hearing to assist with enquiries. Legal advice was accepted that in light of the apparent agreement reached between the applicant and the Police it would not be appropriate for the Sub-Committee to hear evidence from the Police in the applicant's absence. The parties were invited to make representation as to whether the application should be adjourned or should proceed in the applicant's absence (and without the Police taking part). All the parties (present) agreed that the hearing should proceed. After consideration the Sub-Committee determined to proceed and consider the application.

The Sub-Committee heard representations from the parties present in expanding upon their written representations. The Sub-Committee also considered very carefully the written representation of the applicant including the additional email.

The Sub-Committee noted that the applicant has amended the application after discussion with Hampshire Constabulary making the closing time 01:00 Monday – Sunday. It was also agreed that the following conditions be imposed, in addition to what is already in place under Annex 3 of the licence:

- Staffing Levels - After 23:00 hours, there will be a minimum of two members of staff on duty at the premises until closing time, seven days per week.
- SIA Security - There shall be an on-going risk assessment as to whether it is necessary to employ Security Industry Authority (SIA) staff at the premises during operating hours.

As a result, and in consideration of all the above, the application to vary the licence is granted in part. Namely, the extension of hours for the sale of alcohol is granted for the hours between 08:00 to 00:00 seven days per week and subject to the agreed conditions.

Reasons

The Sub-Committee considered very carefully the potential for problems caused by the premises in this location, but were cognisant that the Police were satisfied with the application with the agreed amendments.

The Sub-Committee heard evidence from a residents' association, a local resident and a local ward councillor that the area in which the premises is located is subject to the passage of young drinkers (mostly students) during the late hours and that the same causes low level crime and disorder as well as public nuisance. Residents' concerns are broadly speaking that an increase in the hours that alcohol is available in this

location will necessarily lead to an increase in those issues already experienced. Photographs were presented by a resident showing typical nuisance and litter including bins knocked over and smashed bottles. The Sub-Committee rejected claims from the applicant that those photographs were fabricated and found the resident to be a credible witness. The Sub-Committee found the agreement with the Police to be highly persuasive particularly in relation to the issue of crime and disorder. Nonetheless, the Sub-Committee did accept that the residents' presented evidence of anti-social behaviour and public nuisance and as a result the Sub-Committee felt it was appropriate and proportionate to restrict the hours of trading until midnight in this location. The location was described by residents as being a mixture of commercial and residential including young families and those requiring sleep for work.

The Sub-Committee considered carefully the hours applied for and those agreed with the Police. In light of that agreement the Sub-Committee imposed the hours as agreed, namely the starting hour of 08:00 hours.

All parties are reminded that there is a right of review that can be commenced by responsible authorities or residents in the event that evidence shows the premises are undermining the licensing objectives whether as a result of this variation or not.

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.