
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 2 MARCH 2016

Present: Councillors Furnell, Thomas and Tucker

24. **ELECTION OF CHAIR**

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

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

RESOLVED: that the Minutes of the meeting held on 2nd December 2015 be approved and signed as a correct record.

26. **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.

27. **APPLICATION FOR A PREMISES LICENCE IN RESPECT OF SHOP LOCAL, 290 SHIRLEY ROAD, SOUTHAMPTON, SO15 3HL**

The Sub-Committee considered an application for a premises licence in respect of Shop Local, 290 Shirley Road, Southampton, SO15 3HL.

Zain Ali (Applicant), Jonathan Gray (Agent), PC Boucouvalas and PC Cherry (Hampshire Constabulary) and Lucas Marshall (Trading Standards – SCC) 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 be refused.

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 premises licence at Shop Local, 290 Shirley Road, Southampton, SO15 3HL. 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 representations, both written and given orally today, by all parties. Human rights legislation has been borne in mind whilst making the decision.

The Sub-Committee considered a petition submitted by the applicant but noted that the initial wording to which signatures were given was not repeated on each page and that signatories' details were lacking in places and attached due weight accordingly. It was also noted that the applicant brought details of training but these were not submitted by the applicant for the Sub-Committee's consideration.

In consideration of all of the above the Sub-Committee has determined to refuse the application.

Reasons

The Sub-Committee considered very carefully all the evidence and held very grave concerns in relation to the premises licence holder's ability to properly manage a premises of this type and in particular in this area.

It was noted that the applicant indicated that greater control mechanisms would be put in place to deal with refusals and training, that the applicant now understands the proposed conditions, that those conditions would be sufficient to ensure the licensing objectives are upheld and finally that the applicant clearly now understands the seriousness of breaching conditions.

However, despite carefully considering these points and the applicant's representations generally, the Sub-Committee was not satisfied that the applicant would be sufficiently robust in managing the premises. It was of considerable concern that the applicant was the Premises Licence Holder and ultimately responsible whilst the majority of historical breaches of conditions and also under-age sales took place.

More recent concerns highlighted by the Police and Trading Standards showing a general lack of due diligence and in particular the sale of drug related paraphernalia at the premises, illustrated a continuing failing in this regard. Police concerns are accepted that the display of this type of material in a store readily accessible to children promotes the use of illegal drugs and undermines the prevention of crime and disorder and the protection of children from harm licensing objectives. This point in particular along with the apparent lack of training of staff and the display of out of date goods shows clearly the applicant's continuing lack of understanding in relation to due diligence and strict management of the premises.

Whilst it is accepted that steps have been taken to address these issues it is a concern that this should happen at a late stage and that these issues need such careful explanation to the applicant.

The Police presented evidence showing considerable crime and disorder issues in the locality of the premises and this evidence was not challenged. On this basis the Sub-Committee accepts that the premises is located in an area suffering from disproportionate levels of crime and disorder and requiring strong leadership and management. The Sub-Committee has heard nothing to convince it that conditions, if imposed, would be strictly adhered to and that previous breaches would not be repeated. As a result the Sub-Committee has determined that it has no option other than to refuse the application and that it was appropriate and proportionate in all circumstances to do so.

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.