
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 16 SEPTEMBER 2016

Present: Councillors Mrs Blatchford, Bogle and Parnell

13. **ELECTION OF CHAIR**

RESOLVED that Councillor Blatchford 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 27 July 2016 be approved and signed as a correct record.

15. **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.

16. **APPLICATION FOR REVIEW OF PREMISES LICENCE - COBDEN NEWS, 113 ST DENYS ROAD, SOUTHAMPTON SO17 2FS**

The Sub-Committee considered the application for review of a premises licence in respect of Cobden News, 113 St. Denys Road, Southampton SO17 2FS.

Mr L Marshall (Trading Standards), PC Alex Boucouvalas (Hampshire Constabulary), Ms S Denley (Public Health), Ms S Sulh (Premises Licence Holder), Ms P Sulh (Premises Licence Holder's daughter in law), Mr A Sulh (Premises Licence Holder's son) 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 premises licence be revoked.

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 review of the premises licence at Cobden News, 113 St Denys Road, Southampton SO17 2FS by

Trading Standards and supported by Hampshire Constabulary and Public Health. 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 has been borne in mind whilst making this decision.

All the evidence presented both written and given orally today, has been carefully considered and taken into account. The Sub-Committee particularly addressed itself to the licensing objectives for the prevention of crime and disorder and the protection of children from harm.

Having considered all of the above, and all the steps available under section 52, sub section 4, the Sub-Committee has decided to revoke the premises licence.

Reasons

The Sub-Committee heard evidence relating to multiple criminal offences at the premises. Evidence showed that on at least four occasions alcohol had been sold in breach of the mandatory condition requiring alcohol not to be sold below the cost of duty plus VAT. HMRC had provided a view that at the price stated (which was not considered viable), sourcing of the alcohol was of considerable concern. The price indicated an illicit source. Smuggled goods present many risks including risks to health but in this instance it is noted that Trading Standards believed the goods to be genuine. The Sub-Committee heard that a failure to promptly provide the invoice relating to those goods constituted a criminal offence and that further concerns arose regards the accuracy and credibility of that document. It is an offence for non-duty paid items to be kept at the premises also. Further to this staff at the premises were not lawfully entitled to work in the UK and were not paid – which raises serious concern that other offences may have been committed. Food at the premises was displayed past the sale by date and alcohol was not properly labelled. In addition an underage sale was made at the premises. Public Health gave evidence that confirmed the impact of this type of offending and that the area in which the premises is located is acknowledged as suffering from street drinking. The particular risks posed to children were also outlined.

The Sub-Committee heard that the premises licence holder had run the premises for forty years without blemish and that all of the issues described by Trading Standards, Hampshire Constabulary and Public Health arose from others managing and in day-to-day control of the premises.

This evidence accords entirely with the evidence of Trading Standards that the premises licence holder (also the DPS) was in effect absent from the premises and that there was, as a result, a complete lack of control. Basic due diligence at the premises was accordingly failing over a significant period. This has led to the most serious breaches of the premises licence and offences being committed.

The Sub-Committee did carefully consider the implications of revocation of the licence upon the premises licence holder and were referred to paragraph 11.23 of the statutory guidance, but in all the circumstances determined that as premises licence holder and DPS at the premises she holds the responsibility for the premises licence. The premises licence holder was unable to clarify the business arrangement and the basis on which the business and / or premises had been transferred. On this basis the Sub Committee could not be satisfied that matters could suitably be resolved moving

forward or that the premises licence holder remained suitable as a result of such substantial and prolonged error of judgement.

The Sub-Committee was referred to the statutory guidance during the course of the hearing, notably paragraphs 11.24-11.28 (reviews arising in connection with crime) and noted that where the premises are used to further crimes, revocation should be seriously considered even in the first instance.

In light of all of the above the Sub-Committee decided that revocation was appropriate and proportionate. Whilst carefully considered, alternative steps would not be sufficient to address the risks to the licensing objectives posed by the continued operation of the premises.

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.