
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 29 SEPTEMBER 2016

Present: Councillors B Harris, Parnell and D Thomas

17. **ELECTION OF CHAIR**

RESOLVED that Councillor Harris 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 16 September 2016 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 GRANT OF A PREMISES LICENCE - MOONLIGHT DRINKS, OFFICE 5, 11 CUMBERLAND PLACE, SOUTHAMPTON SO15 2BH**

The Sub-Committee considered the application for the grant of a premises licence in respect of Moonlight Drinks, Office 5, 11 Cumberland Place, Southampton SO15 2BH.

Ms D Bull (Applicant), Mr R Williams (for the Applicant) and Mrs L Barter (Local Resident) 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 granted.

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 Moonlight Drinks, Office 5, 11 Cumberland Place, Southampton SO15 2BH. 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 the 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 has determined that the application should be granted as applied for.

Reasons

The Sub-Committee noted that no representation had been received from any of the responsible authorities but notably Hampshire Constabulary, Children's Services, Public Health or Environmental Health. In the absence of representation, the assumption must be that the responsible authorities are satisfied with the application. Extensive conditions are proposed by the applicant and attached within the papers and dealing with deliveries, training, incident book, refusals book and Challenge 25.

The Sub-Committee heard evidence from residents raising concerns regarding the potential for an increase in nuisance and crime and disorder as a result of an additional premises selling alcohol in this location. Whilst the Sub-Committee sympathises with these concerns it was forced to consider whether the evidence presented was sufficient to make it appropriate in all the circumstances to refuse the licence or restrict the operation of the premises.

The Sub-Committee heard evidence from the applicant that the premises is intended to be used as a delivery service and will make no face to face sales at the premises. The Sub-Committee was impressed by the level of detail in the proposed conditions, particularly those preventing the sale of alcohol to underage customers and preventing inadvertent deliveries to the wrong address.

The premises explained the nature of the business and confirmed that the target market was not cheap alcohol on a large scale but a much smaller and refined service with deliveries being made unobtrusively and without any real potential for a nuisance caused as a result.

In light of all the circumstances, the Sub-Committee could see no reason, based on the Licensing Objectives, to refuse a Premises Licence in this location. The premises is not located within a CIP area and accordingly the Sub-Committee accepted legal advice provided during the course of the hearing that the presumption was for grant of the licence unless there was good reason based on the Licensing Objectives not to do so.

Local residents can be reassured that in the event that the grant of the licence 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 accepted legal advice provided during the course of the hearing that planning considerations (including potential development) as well as commercial need or demand for the premises cannot be taken into consideration.

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.