
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 13 JANUARY 2011

Present: Councillors Drake, Parnell and Osmond

Apologies: Councillor Thomas

53. **ELECTION OF CHAIR**

RESOLVED that Councillor Parnell be appointed Chair for the purposes of this meeting.

54. **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

The Panel noted that Councillor Osmond was in attendance as a nominated substitute for Councillor Thomas in accordance with Council Procedure Rule 4.3.

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

RESOLVED that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the press and public be excluded at a pre-determined point whilst the Sub-Committee reach its decision.

56. **APPLICATION FOR A PREMISES LICENCE - HOLLYOAK STORES, 25-33 HOLLYOAK ROAD, SOUTHAMPTON SO16 5GB**

The Sub-Committee considered the report of the Solicitor to the Council detailing an application from Hampshire Constabulary to review the premises licence in respect of Hollyoak Stores, 25-33 Hollyoak Road, Southampton SO16 5GB. (Copy of report circulated with agenda and appended to signed minutes).

Mr Bhakar (Applicant), Mr Kirk (Counsel for Applicant) and Mrs Brazil (Objector / Local Resident) and PC Harris, PC Prior and PC Dawson (Hants Constabulary) were present and, with the consent of the Chair, addressed the meeting.

The Sub-Committee noted the additional evidence submitted by the applicant and by Hampshire Constabulary.

The Sub-Committee considered the decision in confidential session in accordance with Licensing Act 2003 (Hearings) Regulations 2005.

After carefully considering all representations made by the applicant, Hampshire Constabulary and local residents, both written and oral, and giving due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted Statement of Licensing Policy; the Sub-Committee was satisfied that the application for a Premises Licence should not be granted.

RESOLVED that the application be refused.

REASON FOR DECISION

The Sub-Committee was satisfied that a grant of the premises licence would likely lead to the Licensing Objectives being undermined, particularly crime and disorder and public nuisance and the prevention thereof.

It attached due weight to all of the evidence and accepted that the Police evidence relating to the previous licence was now dated and applied to another individual. Nonetheless it was not satisfied that the current proposals would be sufficient to prevent a likely recurrence of past problems and an extension of the existing issues. Likewise due weight was attached to the survey produced by the applicant which showed a commercial demand but was limited by those signing failing to provide an address.

The evidence of residents was clearly that the position had improved since the previous licence was surrendered. The location of other premises and their operating methods was carefully borne in mind whilst making the decision. However, the Sub-Committee found that an additional premises, and more particularly in this location, would lead to an increase in the issues evidenced irrespective of whether the controls put in place were greater than those exercised elsewhere. It was the Sub-Committee's view that the evidence of the Police and residents has established that no condition or restriction could satisfactorily cover or mitigate the risk posed to the Licensing Objectives.

Human Rights legislation was taken into account with regards to the impact upon all parties of the decision.