
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 7 April 2011

Present: Councillors Drake, Parnell and Thomas

65. **ELECTION OF CHAIR**

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

COUNCILLOR PARNELL IN THE CHAIR

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

RESOLVED that the Minutes of the meeting held on 24th March 2011 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

67. **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 decisions.

68. **APPLICATION FOR A PREMISES LICENCE - CRE8 LEISURE LIMITED, 1ST AND 2ND FLOOR, 15-17 HIGH STREET, S014 2DF**

The Sub-Committee noted that the application for a premises licence in respect of Cre8 Leisure Limited, 1st and 2nd Floor, 15-17 High Street, Southampton, S014 2DF, had been withdrawn as agreement had been reached between the applicant and Environmental Health.

69. **APPLICATION FOR A REVIEW OF A PREMISES LICENCE - PIZZA CHICKEN KEBAB HOT 2 YOU, 1A BEDFORD PLACE, SOUTHAMPTON**

The Sub-Committee considered the report of the Solicitor to the Council detailing an application by Hampshire Constabulary – Licensing for a review of a premises licence in respect of Pizza Chicken Kebab Hot 2 You, 1A Bedford Place, Polygon, S015 2BY. (Copy of report circulated with the agenda and appended to signed minutes).

Mr J Wallsgrove, Solicitor for Pizza Chicken Kebab Hot 2 You, Mr N Mohammed, PC Harris and PS Marshman were present and, with the consent of the Chair addressed the meeting.

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

RESOLVED

(i) that the Sub-Committee noted that the parties had reached agreement prior to the commencement of the hearing as to suggested conditions and a proposed suspension of the licence for a period of 14 days, detailed below:-

1. one SIA registered door staff to be employed on Tuesdays, Fridays and Saturdays from midnight until 02.30;
2. last entry to the premises by members of the public will be 02.15 and all members of the public must have left the premises by 02.30;
3. the permitted hours for late night refreshment and the opening hours set out in this premises licence after 02.30 are to be used solely for the purposes of the delivery service offered by the premises licence holder. For the avoidance of any doubt, this condition prohibits collection of any order by a member of the public from the premises after 02.15. Deliveries will only take place to a dwelling or place of work with a recognisable postal address;
4. the premises licence will be suspended for a period of 14 days commencing on the day after the period of time given to appeal this decision or such earlier day as may be notified to the Local Authority and Police by the premises licence holder; and

the CCTV system will be checked on a weekly basis to ensure that all cameras are operational and the system is recording. A copy will be made onto disc of 5 minutes footage. From the system all footage will be kept for inspection by the Police for 3 months. A record of CCTV checks will be kept at the premises for inspection by the Police on request.

(ii) that the above conditions as agreed be imposed, subject to the following amendments:-

1. additional condition 3 shall have the following added:-
 - delivery destinations after 02.15 hours shall be recorded and kept for inspection by the Police for a period of at least seven days; and
 - delivery drivers or those making deliveries shall only access the premises by the rear entrance and shall not use the front door after 02.15 hours on any day;
2. condition 4 shall not be implemented; and

3. additional CCTV condition (not numbered) be amended to state:-

The CCTV system will be checked on a weekly basis to ensure that all cameras are operational and the system is recording. As a record of this check, a copy will be made onto disc every seven days of 5 minutes footage from the system. All footage recorded shall be available for inspection immediately upon request by the Police at the premises. This includes both these records of checks as well as the continuous recording; and

- (iii) that the premises licence be suspended for a period of 7 days.

REASON FOR DECISION

The Sub-Committee considered the application for the review of the premises licence and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted Statement of Licensing Policy as well as representations made by both parties and accepted the agreed conditions with additional amendments.

The Sub-Committee had considered the proposed 14 day suspension of the licence and accepted that a suspension may be imposed as a deterrent, but noted that the Guidance to the Act required such to be necessary and proportionate in promoting the Licensing Objectives and felt that on this occasion it would be a disproportionate outcome which would have a further financial impact on the business, combined with the reduction in trading hours as implemented by the additional conditions.

The Sub-Committee accepted that this was a serious matter insofar as it was a second review regarding breaches of imposed conditions, but in assessing the impact of the breaches on the Licensing Objectives, particularly crime and disorder at or in the vicinity of the premises, the suspension as imposed was a more appropriate deterrent.

70. **APPLICATION FOR A PREMISES LICENCE - CO-OPERATIVE, 195-197 SHIRLEY ROAD, SOUTHAMPTON, S015 3FJ**

The Sub-Committee considered the report of the Solicitor to the Council detailing an application for a premises licence in respect of Co-operative, 195-197 Shirley Road, Southampton, S015 3FJ. (Copy of report circulated with agenda and appended to signed minutes).

Mr J Wallsgrove, Solicitor for Co-Operative, G Foley, Co-Operative Manager and Mr R Fenton, Objector were present and, with the consent of the Chair, addressed the meeting.

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

RESOLVED that the application for a premises licence in respect of Co-Operative, 195-197 Shirley Road, Southampton, S015 3FJ be granted , subject to the mandatory conditions contained within the Licensing Act 2003, the conditions consistent with the operating schedule and such conditions relating to the statutory licensing objectives as are deemed necessary, with the following additional conditions:-

- (i) CCTV shall be installed at the premises covering both internal and external areas and shall be of a standard and specification to be agreed in writing by the Police, prior to installation and the sale of alcohol at the premises. The location of the cameras, retention of images and access to the images shall form part of that agreement, with the system being maintained to that standard; and
- (ii) the holder of the premises licence will ensure that every individual who appears to be under 25 years of age, seeking to purchase or be supplied with alcohol at or from the premises shall produce means of identification acceptable to the licensing authority, proving that individual to be 18 years of age or older. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

REASONS FOR DECISION

The Sub-Committee considered the application for a premises licence and listened very closely to the resident's concerns regarding issues of nuisance and underage drinking in the area. The Sub-Committee gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted Statement of Licensing. However, the Sub-Committee were of the opinion that the imposition of the above conditions would ensure that the premises did not add or contribute to those issues raised and residents should be reassured by the strict controls upon premises once a licence was granted.

The Sub-Committee accepted legal advice that commercial need or demand could not be taken into consideration whilst reaching its decision and likewise issues not related to the Licensing Objectives ie planning had been excluded.

Having considered all the above matters, it was felt that the decision would maintain a fair balance between the interests of the applicant and those of the residents.

71. **APPLICATION FOR A REVIEW OF A PREMISES LICENCE - CLOWNS
WINE BAR, 112-118 BEVOIS VALLEY ROAD, SOUTHAMPTON, S014 OJZ**

The Sub-Committee noted that the above application had been adjourned to Thursday 21st April 2011, in order to allow all parties to receive the relevant documentation timeously and to enable the applicant to obtain legal representation.