

Reference: 2011/02657/01SPRN

Hearing:

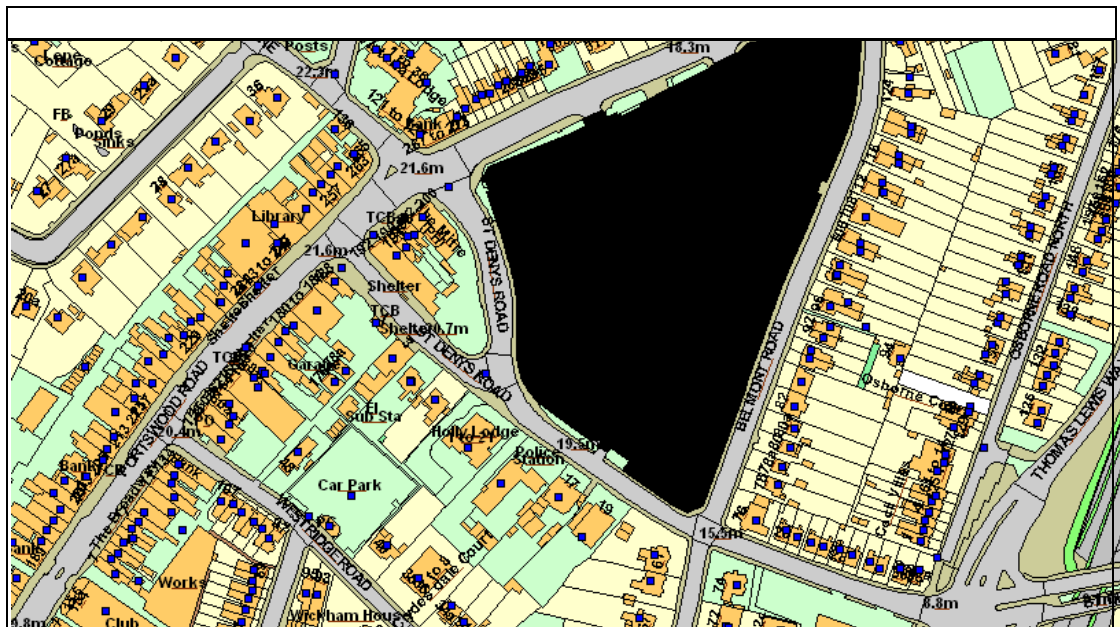
15th December 2011

Application for Premises Licence

Premises Name: Sainsbury's Supermarket
 Premises Address: Former Bus Depot
 Development Site
 202 - 224 Portswood
 Road
 Southampton

Application Date: 26th October 2011
 Application Received Date: 27th October 2011

Application Valid Date: 27th October 2011



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Representation From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Child Protection Services - Licensing	Yes	
Hampshire Fire And Rescue - Licensing	Yes	

Environmental Health - Licensing	Yes	
Planning & Sustainability - Building Control - Licensing	Yes	
Planning & Sustainability - Development Control - Licensing	Yes	
Police - Licensing	No	
Trading Standards - Licensing	Yes	

Other Representations

Name	Address	Contributor Type
Cllr Adrian Vinson	Portswood Ward Councillor Members Room Civic Centre Southampton	Ward Councillor
Mr. Keith Reed	21 Khartoum Road Southampton SO17 1NY	Local Neighbourhood Group

Legal Implications

1. The Licensing Act 2003 specifically restricts the grounds on which the Council, as Licensing Authority (LA), may refuse an application for a new Premises Licence, or impose conditions. Where relevant representations are made, the LA may refuse on the grounds that the licensing objectives are not met or the operating schedule is inadequate. Equally, conditions may be imposed where relevant and necessary. The LA may also refuse an application in part and thereby only permit some of the licensable activities sought.
2. The decision making committee, in considering an application, must have regard to the adopted Statement of Licensing Policy and any relevant representations made by those directly affected.
3. An applicant for a new Premises Licence whose application has been refused, or who is aggrieved by conditions imposed, may appeal against the decision to the

4. In considering this application the committee will sit in a quasi-judicial capacity and is thus obliged to consider applications in accordance with both the Licensing Act 2003 (Hearings) Regulations 2005, and amending secondary legislation and the rules of natural justice. The practical effect of this is that the committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

The committee must also have regard to:-

5. *Crime and Disorder Act 1998*
Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
6. *Human Rights Act 1998*
The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of Proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affects another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.

REVISIONS

LEGEND

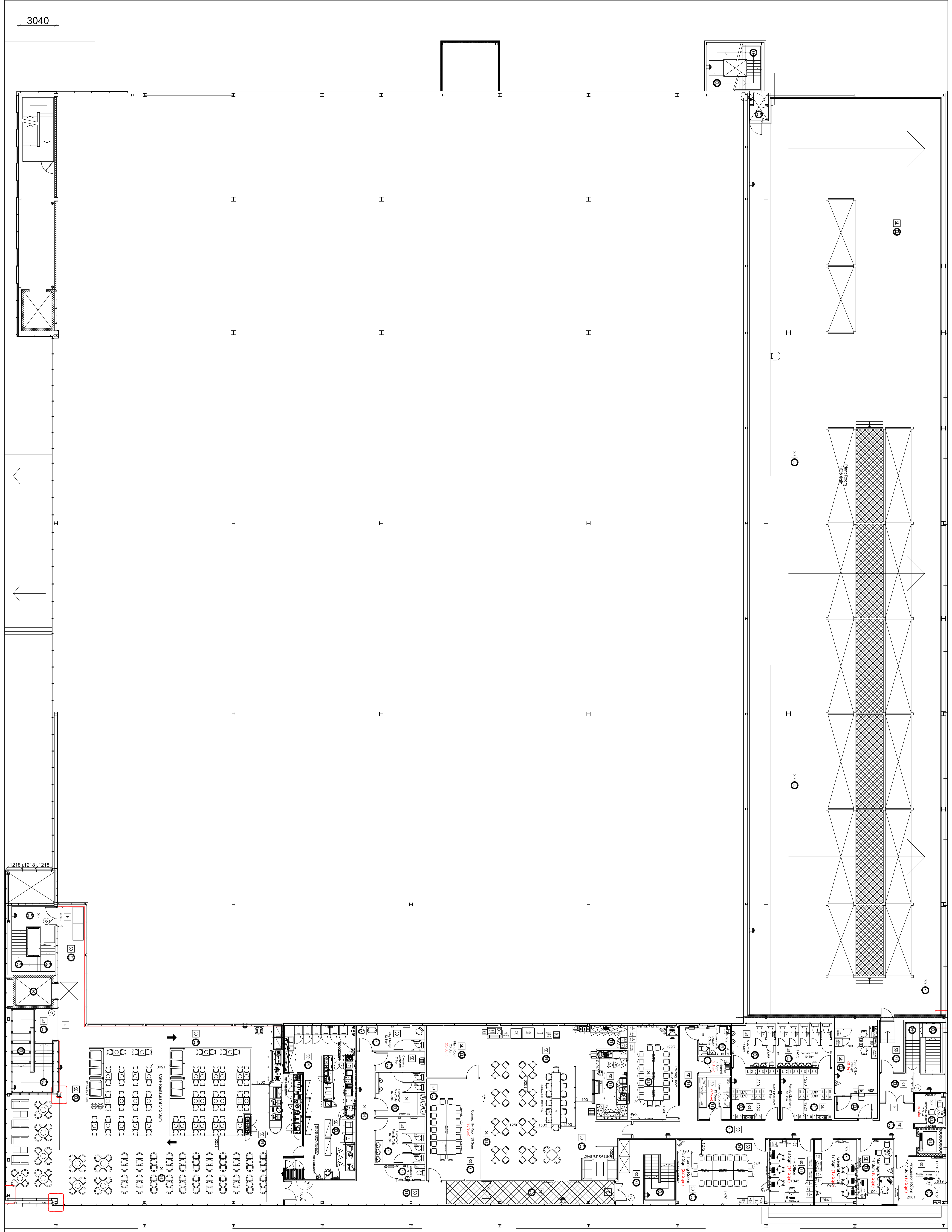
DESCRIPTION	SYMBOL
FISH BAR	[FB]
FIREMAN'S SWITCH	[FS]
FIRE ALARM CALL POINT	[FC]
FIRE EXTINGUISHER WATER	[FW]
FIRE EXTINGUISHER FOAM	[FF]
FIRE EXTINGUISHER DRY POWDER	[FD]
FIRE EXTINGUISHER CARBON DIOXIDE	[FCO]
FIRE BLANKET	[FBK]
AFFF MULTIPURPOSE EXTINGUISHER	[AFFF]
FIRE FIGHTING HOSE REEL	[FR]
FIRE EXIT DOORS	[ED]
DOORS WITH ELECTRIC WAKENING LOCKS	[EWL]
EXIT SIGN (RUNNING MAN)	[EM]
SMOKE DETECTOR CEILING MOUNTED	[SD]
HIDDEN FIRE DETECTOR	[HFD]
FIRE ALARM BELL	[FAB]
FIRE ALARM PANEL	[FAP]
AUTOMATIC SPRINKLER POINTS	[ASP]
EMERGENCY LIGHTING POINT	[ELP]
EMERGENCY LIGHTING ILLUMINATED EXIT BOX	[ELIB]

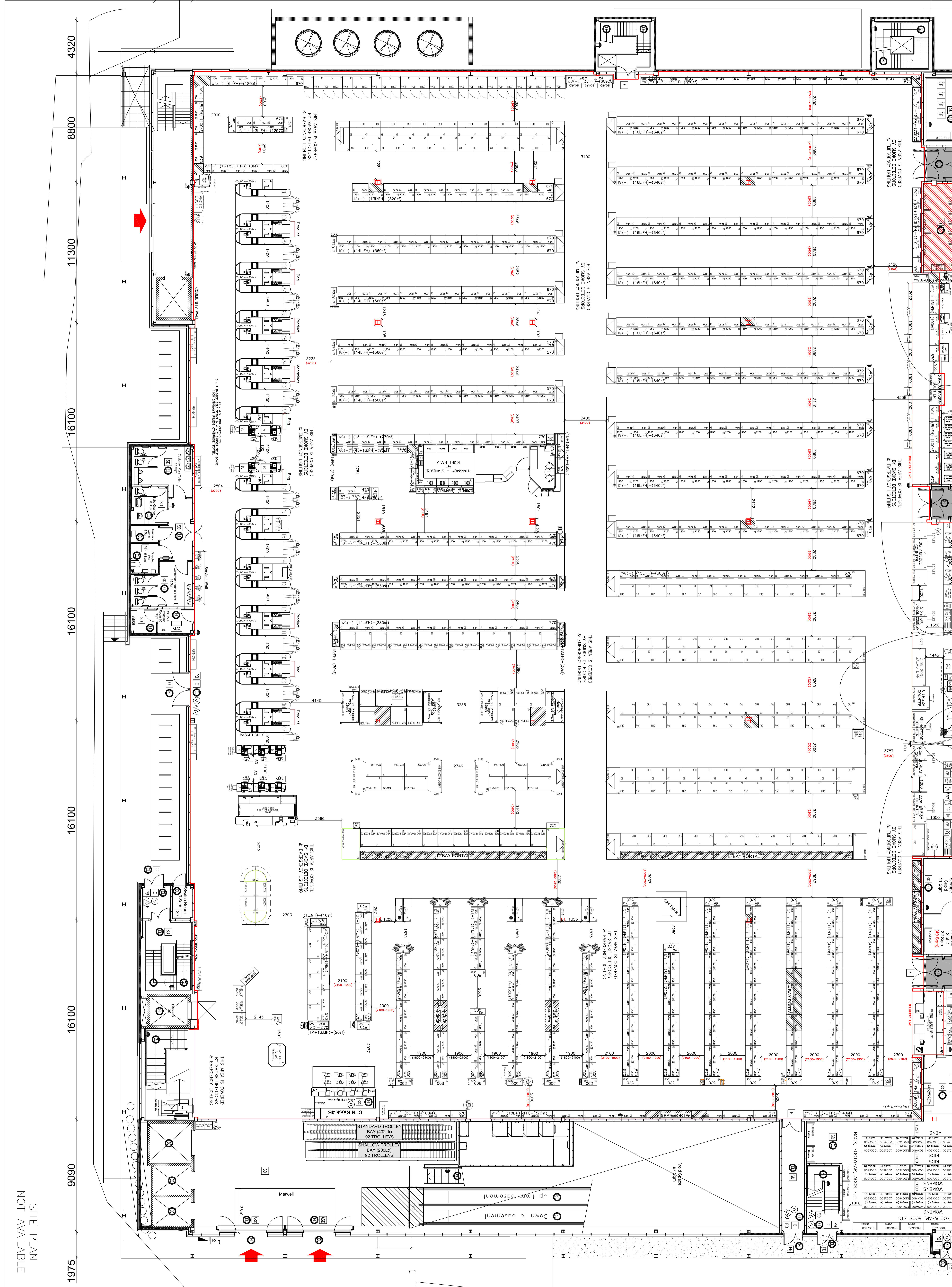
2265
PORTSWOOD

PROPOSED
FIRST FLOOR
STORE PLAN

STORE PLAN NUMBER: 2265F01-1
DRAWING DATE: 24.10.2011
SCALE: 1:100
REVISION: -

Sainsbury's
STORE DEVELOPMENT GROUP - TRAINING & PERFORMANCE PARTNERS LTD
31 STATION ROAD, LONDON, EC3N 3JF
TELEPHONE: 020 7993 0000 FAX: 020 7993 3410





DESCRIPTION	SYMBOL
FISH BAR	[Symbol]
FIREMAN SWITCH	[Symbol]
FIRE ALARM CALL POINT	[Symbol]
FIRE EXTINGUISHER WATER	[Symbol]
FIRE EXTINGUISHER FOAM	[Symbol]
FIRE EXTINGUISHER CO2	[Symbol]
FIRE EXTINGUISHER CARBON DIOXIDE	[Symbol]
FIRE BLANKET	[Symbol]
AFF MULTIPURPOSE EXTINGUISHER	[Symbol]
FIRE FIGHTING HOSE REEL	[Symbol]
FIRE EXIT DOORS	[Symbol]
DOORS WITH ELECTRO MAGNETIC LOCKS	[Symbol]
SMOKE DETECTOR	[Symbol]
SMOKE DETECTOR CEILING MOUNTED	[Symbol]
HIDDEN FIRE DETECTOR	[Symbol]
FIRE ALARM BELL	[Symbol]
FIRE ALARM PANEL	[Symbol]
AUTOMATIC SPRINKLER POINTS	[Symbol]
EMERGENCY LIGHTING POINT	[Symbol]
EMERGENCY LIGHTING ULTIMATED EXIT BOX	[Symbol]

2265
PORTSWOOD

PROPOSED SALES FLOOR STORE PLAN

STAGE 2
JOANNE SURGUY
DRAWING DATE 27.10.2011
SCALE 1:100
2265G01-2

AGENCY: CAD
SCALE: 1:100
REVISION: -

Sainsbury's
STORE DEVELOPMENT GROUP / CONSULTING ENGINEERS LTD
31-33 ABchurch Lane, London, EC4A 3DF
TELEPHONE: 020 7993 0000 FAX: 020 7993 7410

SITE PLAN
NOT AVAILABLE

From: Marshman, Ivan [ivan.m

1

Subject: FW: Objection to New Premises Application Sainsbury's Portswood 26508/1460

Importance: High
Robert,

I have seen the e mail you sent to PC Wood today asking if we agreed with the conditions you initially sent. I sent the e mail below to you on the 17/11/11 and have not received a reply? Did you receive it?

Unfortunately at this time Hampshire constabulary do not agree the conditions you've suggested and the deadline to object is the 27/11/11. The location of the premises means that detailed conditions are required to support the licensing objectives.

Therefore, at this time I submit an **objection** to your application. However, as explained above this may be a communication issue. If once you have viewed the conditions below and view them as proportionate could you let PC Wood know as I am not back into the office until Wednesday. In which case we would then look to withdraw our objection.

Kind Regards,

Ivan

PS 3555 MARSHMAN

Violent Crime & Licensing Sgt
Southampton Central Police Station
Southern Road,
Southampton.
SO15 1AN
Tel 02380
Ex 325

From: Marshman, Ivan
Sent: 17 November 2011 11:41
To:
Sub | portswood 26508/1460

Robert,

Thanks for the update. I've taken this application on due to PC Woods work load increasing.

I've been advised that Pc Wood did e mail you our suggested conditions.

We would request the following to be added to your cctv condition-

- *The recording system will be able to capture a minimum of 4 frames per second.*

Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained. These records will be kept for a minimum of 6 months and available for inspection by request of the police or licensing authority.

The suggested staff training condition doesn't actually state what has to be provided in your training nor does it state the training has to be signed. Nor does it state if you have to retain the records. Therefore I would suggest the following-

- Staff are trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18; signs and symptoms of drunk persons, refusal of sale due to intoxication and that records are kept of such training, which are signed and dated by the member of staff who has received the training; that staff receive refresher training every six months as a minimum and that records are signed and dated by the member of staff who undertakes the training. *The alternative to this would be to put in your current condition "The training is to be agreed to meet the requirements of Hampshire constabulary this agreement will be provided by Hampshire Constabulary in writing" . We would suggest having the condition below attached as well.*
- Records will be available for inspection by Hampshire Constabulary and the licensing Authority. Records will be kept for a minimum period of two years.

Your incident book condition states the cashiers have to complete it when it would need to also cover the security staff who will more than likely end up detaining someone and could be open to assault allegations. It is very vague what issues do you have with the following condition?

Incident book

An incident book will be provided and maintained at the premises. It will remain on the premises at all times and will be available to police for inspection upon request.

Any incidents that include physical altercation or disorder, physical ejection, injury or drug misuse will be recorded in the incident book. The entry is to include an account of the incident and the identity of all person(s) involved (or descriptions of those involved if identity is not known). Should there be any physical interaction by members of staff and the public the entry will include what physical action occurred between each party. The entry shall be timed, dated and signed by the author.

If the member of staff creating the entry has difficulties reading or writing then the entry may be written by another staff member. This should however be read back to the person creating the entry and counter signed by the person who wrote the entry.

At the close of business on each day the incident book will be checked by the manager on duty where any entries will be reviewed and signed. If incidents have occurred the duty manager will de-brief door staff at the close of business. Should there be no incidents then this will also be recorded at the close of business in the incident book.

I'm not in tomorrow and will be back on Tuesday. I'm happy to discuss the conditions further but they need to

cover the main points above .

Kind Regards

Ivan

PS 3555 MARSHMAN

Violent Crime & Licensing Sgt
Southampton Central Police Station
Southern Road,
Southampton.
SO15 1AN
Tel 02380
Ex 325

From: Robert Botkai [mailto:r
Sent: 04 November 2011 17:
To: Wood, Bethan
Cc: Elaine Finlay
Subject: Sainsbury's Portswood 26508/1460

Bethan

Thank you for your email dated 4 November addressed to Elaine Finlay.

I suggest that the application be amended to include the following steps in the operating schedule which will become conditions on the licence:

Training

All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

- Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
- Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be available for inspection by a police officer on request

Incidents

All cashiers shall be instructed to record in an incident book/register:

- All incidents of crime and disorder occurring at the premises;
- Details of occasions when the police are called to the premises.

This book/register will be available for inspection by a police officer on request.

The operating schedule already contains a condition concerning the Think 25 policy at the store.

Please confirm that this is agreed and I will notify the licensing officer.

Thanks and have a good weekend.

Robert

Robert Botkai
Partner

LOGO gif.GIF




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From: Keith Reed
Sent: 18 November 2011 15:05
To: Montague, Hayley
Subject: Re: 2011/02657/01SPRN
[Hayley Montague](#)
[Licensing Enforcement Officer](#)
[Southampton City Council](#)

Dear Hayley Montague,

Further to my previous message, I would like to write more formally outlining Highfield Residents' Association's (HRA) objection to the proposed granting of an alcohol license for the new Sainsbury's in Portswood from 06.00-00.00 for seven days a week. I have already submitted a shorter note online to ensure our opposition was noted and would ask for this longer objection to take precedent.

Our committee, which is elected from over 600 household members in Highfield and Portswood area, discussed this application in some detail at our recent monthly meeting. Our principle concerns were the possible effect the increased availability of alcohol from this retail unit could have on crime and disorder, public nuisance and public safety in area. Portswood Broadway already acts as a meeting point for problem drinkers who, on occasion, act in an anti social way. Given the proposal to allow it to open and sell alcohol earlier and for longer than other retailers in the area, the degree of public nuisance caused by this particular group is likely to worsen.

As you will be aware, Portswood and the surrounding area have a thriving social scene with many public houses and restaurants. The majority of patrons act in a responsible way and the range of establishments brings a greater degree of choice for local residents. Unfortunately, the widespread availability of alcohol also results in drunkenness and anti social behaviour from a small but significant number of patrons. Therefore, it is not inconceivable that the later opening time, which is after many of the public houses close, could lead to drinkers leaving pubs and then dashing across the road to stock up on more alcohol before the store closes. Encouraging large numbers of inebriated drinkers to cross a very busy junction is of concern.

I would also like to add that the pricing regime of alcohol at large multinational stores has been a source of recent public debate and there is some evidence to suggest that their price promotions can lead to increased consumption especially among certain groups. Front loading of drinking among students and other younger residents is well noted, and Portswood has one of the highest concentrations of students in the city. It should be noted that the majority of students who live locally are well behaved, however the local neighbourhood police team regularly target drunkenness and anti social behaviour among this group. Students often take part in pub crawls and other alcohol related social activities in the area and once again, these proposals are likely to make matters worse.

As an organisation founded by and run on behalf of local residents, we welcome the opportunity to give our views on this license and look forward to be updated on this matter in due course.

Yours sincerely

Keith Reed
Highfield Residents' Association Committee Member for Licensing and Planning.
21 Khartoum Road, SO17 1NY

From: "Montague, Hayley"
To: Keith Reed ·
Sent: Wednesday, 16 November 2011, 20:19
Subject: RE: 2011/02657/01SPRN
[Hi Keith,](#)

[The application is for a Sainsbury's supermarket at the former Bus Depot site and is for the sale of alcohol for consumption off the](#)

premises between 06:00 and the provision of late night refreshment between 23:00 - 00:00. Unlike the previous application we discussed which only the Police are capable of objecting to, as this is a new premises licence application local residents and businesses are able to submit their own representations to the application. Further information on representations can be found via the following link:

<http://www.southampton.gov.uk/business/licensing/alcohol-licences/representations.aspx>

Please note representations must be received by 24th November 2011 when the consultation period will end.

Kind regards,

Hayley Montague
Licensing Enforcement Officer
Southampton City Council

From: Keith Reed
Sent: 16 November 2011 18:16
To: Montague, Hayley
Subject: 2011/02657/01SPRN
Hi Hayley,

I brought this application to the attention of Highfield Residents' Association committee and local councillors, including ward Councillor Adrian Vinson, on Monday evening and they were very concerned that an application to supply alcohol from 06.00-0000 had been submitted and might be approved. Is there any way of making representations against this proposal or does it have to be done via the police's licensing team as suggested below?

many thanks

keith

From: "Montague, Hayley"
To: Keith Reed ·
Sent: Friday, 4 November 2011, 12:08
Subject: RE: 2011/02687/01SPRD
Keith,

The Police have their own Licensing Team – 023 8067 4768 - who deal with all Licensing matters from a crime and disorder point of view.

Kind regards,
Hayley Montague
Licensing Enforcement Officer
Legal & Democratic Services
Southampton City Council

From: Vinson, Adrian (Cllr)

Sent: 21 November 2011 15:52

To: Montague, Hayley

Subject: SAINSBURY PORTSWOOD : Application no. 2011/02657/01SPRN: Extension of licensing hours

Dear Hayley Montague,

I hope I am writing, as a Portswood ward councillor, to the right person regarding the above application. If not, I would be most grateful if you could forward this if possible to any appropriate colleague.

I wish to object to the hours for which Sainsbury are applying for a license to sell alcohol and refreshments. While I believe 6.00am is too early an hour, my principle objection is to the application for a license to sell alcohol and refreshments up until midnight. This is, I believe, in contravention of the hours of trading attached as a condition to planning permission for the store, and substantially later than the operating hours of other supermarkets/off licences in the vicinity. The store is located in what is predominantly a residential area which already suffers considerable disturbance from late night patrons, many of them students, of bars and clubs, including those in Bevois Valley, returning along Portswood Broadway and then through residential streets either to hall of residence of HMO accommodation in the community, or conversely from The Cube on the University of Southampton campus. With a licence until midnight Sainsbury is likely to become a magnet for those wishing to purchase alcohol for consumption on the streets.

I would therefore strongly urge that Sainsbury's licence is restricted, preferably to 8.00 am to 10.30 pm, but in any event not later than 11.00 pm.

I would be grateful if you could notify me as to the date at which this application will come before the Licensing Panel as I may well wish to attend and make an oral representation.

Yours,

Cllr Adrian Vinson
Portswood Ward Councillor