
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 5 January 2012

Present: Councillors Fuller, Parnell and Thomas

64. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meeting held on 15th December 2011 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

66. **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 predetermined point whilst the Sub-Committee reach its decisions.

67. **APPLICATION FOR REVIEW OF A PREMISES LICENCE - CHILLIWHITE, VINCENTS WALK, SO141JY**

The Sub-Committee considered the application for review of a premises licence in respect of Chilliwhite, Vincents Walk, Southampton, SO14 1JY. (Copy of the report circulated with the agenda and appended to signed minutes).

PC Wood and PC Prior were present and with the consent of the Chair addressed the meeting.

RESOLVED that agreement had been reached by all parties to adjourn this application for a review of the premises licence to 26th January 2012.

68. **APPLICATION FOR REVIEW OF A PREMISES LICENCE - POUND XTRA , 106 ST MARY'S ROAD, SOUTHAMPTON, SO14 0AN**

The Sub-Committee considered the application for review of a premises licence in respect of Pound Xtra, 106 St Mary's Road, Southampton, SO14 0AN. (Copy of the report circulated with the agenda and appended to the signed minutes).

Ms S Woldemichael, Premises Licence Holder and Mr A Alem, Designated Premises Supervisor, Pound Xtra, Mr L Marshall, Trading Standards Officer and PC Wood and PC Prior, Hampshire Constabulary 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 2003 (Hearings) Regulations 2005.

RESOLVED that the premises licence be revoked.

REASONS

The Sub-Committee considered carefully the application for a review of a premises licence by Hampshire Constabulary and Trading Standards at Pound Xtra and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of licensing policy, human rights legislation and evidence submitted by all parties, both written and given orally today. The Sub-Committee also paid due regard to the additional evidence presented by the premises licence holder without objection from the parties at the hearing.

The Sub-Committee listened carefully to the evidence of the premises licence holder. However, in light of the strength of the evidence presented by both the Police and Trading Standards, in relation to under-age sales, breaches of conditions and the sale of non-duty paid alcohol, the Sub-Committee was satisfied that revocation was the only step that would be appropriate in all the circumstances. Careful consideration was given to all the options available under Section 52 of the Licensing Act 2003.

The Sub-Committee were mindful of the fact the premises licence had previously been subject to a review and conditions imposed as a result. The same issues had continued despite the imposition of those conditions and the Sub-Committee accepted Police evidence that further conditions or amendment of the licence would not sufficiently address the failures relating to the licensing objectives.

Despite the premises licence holder asserting that the latest issues were of a technical nature, and should not be considered as seriously as those previously, the Sub-Committee felt that the additional issues were of a serious nature and proper steps should have been implemented to ensure compliance with the conditions previously imposed.

The presence of non-duty paid alcohol at the premises was of particular concern and the Sub-Committee considered very carefully the evidence given by the Trading Standards Officer relating to the number of bottles on the premises and paid due regard to the wording of the guidance on that point.

The further underage sales, in spite of the additional conditions, was likewise considered particularly seriously in light of the previous review.

In addition, breaches of conditions had been evidenced in relation to CCTV at the premises, training and record keeping including proper maintenance and checking of the refusals register.

It was also noted that the premises licence holder had clearly failed to keep proper records relating to alcohol purchased for sale at the premises. Despite producing invoices, further records and details required by condition had not been recorded and retained.

Regard was given to the deterrence effect of revocation in the circumstances and legal advice was accepted that punishment or a form of penalty were not appropriate considerations.

For all the above reasons the Sub-Committee felt that revocation was the only way of ensuring the Licensing Objectives would be upheld.