
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 9 February 2012

Present: Councillors Cunio, Osmond and Vassiliou

Apologies: Councillor Parnell

85. **ELECTION OF CHAIR**

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

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

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

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

RESOLVED that the minutes of the meeting held on 26th January 2012 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

88. **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.

89. **APPLICATION FOR REVIEW OF A PREMISES LICENCE - DALLAS FOOD STORES, 186 NORTHAM ROAD, SOUTHAMPTON, SO14 OQF**

The Sub-Committee considered the application for review of a premises licence in respect of Dallas Food Stores, 186 Northam Road, Southampton, SO14 OQF. (Copy of report circulated with the agenda and appended to the signed minutes).

Mr Vinay Patel, Owner and Mr Vinod Patel, Manager, Dallas Food Stores and Ms C Hill, Trading Standards 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

- (i) that the following agreed conditions as suggested by Trading Standards, and set out in full on page 9 of the application, be attached to the licence:-
- complete records, such as invoices, receipts and delivery notes, relating to alcohol and cigarettes obtained by him for sale from his shop; and
 - the CCTV condition to be amended to read “A CCTV system shall be installed and maintained in the licensed premises to the reasonable satisfaction of the Licensing Authority, Hampshire Constabulary and Trading Standards in consideration of Home Office guidelines relating to UK Police requirements for digital CCTV systems or any other such guidance as in force from time to time”. The rest of the condition remains the same; and
- (ii) that the premises licence should be suspended for a period of 3 days comprising a Friday, Saturday and Sunday to take place on the first such full 3-day period after the expiry of the usual 21 day period for appeal.

REASONS

The Sub-Committee considered carefully the application for review of the premises licence at Dallas Food Stores and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy, Human Rights legislation and representations, both written and given orally today by Trading Standards and the premises licence holder.

It was noted that Trading Standards had requested a week’s suspension in order to allow the implementation of conditions, however, evidence at the hearing indicated that those conditions had already been implemented at the premises.

The facts as set out in the application by Trading Standards were admitted by the Premises Licence Holder, however, the circumstances as described were considered exceptional and unusual and justified a reduction in the suspension to a period of 3 days. In particular it was accepted that whilst the usual standards of due diligence in purchasing alcohol had clearly fallen below acceptable standards, the circumstances and facts show that deliberate intention was not made out and the fact that the purchase was a one-off event was also taken into consideration.

The Sub-Committee considered the sale of counterfeit alcohol to be an extremely serious matter in light of the potential health risks and the fact that such alcohol was non-duty paid and in all circumstances would take such steps as were necessary and proportionate to address the issues at the premises. In this case it was considered necessary and proportionate to implement the conditions as agreed, subject to a minor amendment, as well as a suspension of the premises licence for a period of 3 days in order to deter future conduct of a similar nature.