
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 13 FEBRUARY 2014

Present: Councillors Cunio, Lloyd and Pope

Apologies: Councillor Lewzey

58. **ELECTION OF CHAIR**

RESOLVED that Councillor Pope be elected as Chair for the purposes of this meeting.

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

The Sub-Committee noted the apologies of Councillor Lewzey and that Councillor Lloyd was in attendance as a nominated substitute in accordance with Procedure Rule 4.3.

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

RESOLVED that the minutes of the meetings held on 19 December 2013 and 16 January 2014 be approved and signed as a correct record.

It was noted that the Members of the Sub-Committee had not been present at the meeting of 19 December 2013.

61. **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.

62. **APPLICATION TO VARY A PREMISES LICENCE - WOOLSTON SERVICE STATION, 170 PORTSMOUTH ROAD, SOUTHAMPTON SO19 9AQ**

The Sub-Committee considered the application to vary a premises licence in respect of Woolston Service Station, 170 Portsmouth Road, Southampton SO19 9AQ.

In accordance with Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005 the Sub-Committee determined to proceed in the absence of the parties who had not indicated whether or not they intended to appear or be represented at the hearing.

Mr Baker (Agent), Mr Navaratnam (Applicant) and Mr Light (Advocate) 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 (Hearings) Regulations 2005.

RESOLVED that the application to vary a premises licence be granted, subject to the conditions agreed with the police.

After private deliberation the Sub-Committee reconvened and the Chair read the following decision:-

All parties will receive formal written confirmation of the decision and reasons.

The Sub-Committee has considered very carefully the application to vary a premises licence at Woolston Service Station, 170 Portsmouth Road. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy. Human rights legislation has been borne in mind.

The Sub-Committee has determined to grant the application in accordance with the agreed conditions.

Reasons

It has considered very carefully all the evidence submitted by all parties, both written and given orally today.

It notes that the applicant has agreed conditions with the Police in relation to CCTV, an incident book, refusals book, Challenge 25 and Training.

The Sub-Committee has paid careful attention to the single written residential representation and the issues raised.

The Sub-Committee accepts that extending the hours for the sale of alcohol may lead to additional nuisance. However, has concluded that the weight of evidence shows on balance, a lack of reported incidents relating to the premises.

The following informed the Sub-Committee's decision:

- agreement from the police;
- substantive conditions; and
- a lack of representation from other responsible authorities including environmental health

It was therefore considered not to be appropriate to refuse the application, impose further conditions or further restrict the application.

The Sub-Committee was very impressed by the level of detail provided by the applicant in relation to training processes and recording of incidents at the premises, including refresher training. The Sub-Committee accepted evidence that the applicant is a responsible retailer and that on the evidence presented the position is much improved at the premises. The Sub-Committee was also impressed by the level of engagement with the responsible authorities and the willingness to continue with that, and further to engage with residents concerns, should they arise.

The residents can be reassured that the Licensing Act does provide a stringent review mechanism that allows the licence to be reconsidered in the event that issues do, for whatever reason, arise at the premises.

There is a right of appeal for all parties to the Magistrates' Court. Formal notification of the decision with reasons and that notification will set out the right of appeal in full.

63. **APPLICATION FOR A PREMISES LICENCE - LETS ROCK, SOUTHAMPTON COMMON, SOUTHAMPTON SO15 7NN**

The Sub-Committee noted that the application for a premises licence in respect of Lets Rock, Southampton Common, Southampton SO15 7NN no longer required a hearing as agreement had been reached between the parties and the objector had withdrawn their representation.

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

RESOLVED that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 the Sub-Committee determined to exclude the press and public from all of the hearing after consideration of the public interest.

65. **APPLICATION FOR A PERSONAL LICENCE - STEPHEN DIXON**

The Sub-Committee considered the application for a personal licence in respect of Stephen Peter Dixon.

In accordance with Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005, the Sub-Committee determined to proceed in the absence of the parties who had not indicated whether or not they intended to appear or be represented at the hearing.

Sergeant Wood and Ms Reeves, 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 (Hearings) Regulations 2005.

RESOLVED that the application for a personal licence be refused.

All parties will receive written confirmation of the decision and reasons.

The Sub-Committee considered carefully the application for a personal licence for Mr Stephen Peter Dixon and gave due regard to the Licensing Act 2003, the relevant Licensing Objective, statutory guidance, the adopted statement of Licensing Policy, Human Rights legislation and representations, both written and given orally.

The Sub-Committee determined to exclude the press and public in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Sub-Committee determined to proceed in the absence of the applicant, having heard that due notice had been issued.

The Sub-Committee has determined to refuse the application for a personal licence in light of the police representation.

Reasons

The Sub-Committee, after careful consideration of all the evidence before it, and taking into account that a relevant offence was recorded, and not currently spent, found no compelling or exceptional reasons, as to justify a departure from the Police recommendation to refuse the application.

Further, it was determined that insufficient time had elapsed to establish exceptional and compelling reason. The applicant's Human Rights were taken into account when the decision was made.

The Sub-Committee was disappointed that the applicant had not contributed by attending or corresponding with the police or the licensing authority.

There is a right of appeal for all parties to the Magistrates' Court. Formal notification of the decision will set out the right of appeal in full.