
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 31 JULY 2014

Present: Councillors Galton, Parnell and Tucker

5. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meeting held on 3 July 2014 be approved and signed as a correct record.

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

RESOLVED that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the parties to the hearing, press and public be excluded at a predetermined point whilst the Sub-Committee reaches its decision.

8. **APPLICATION FOR A PREMISES LICENCE – ROOSTERS PIRI PIRI, 25 LONDON ROAD, SOUTHAMPTON SO15 2AD**

The Sub-Committee considered the application for a premises licence in respect of Roosters Piri Piri, 25 London Road, Southampton SO15 2AD.

Mr P Day (Solicitor), Mr T Thillaiyampalam (Applicant), PC Conway and PC Cherry (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 (Hearing) Regulations 2005.

RESOLVED that the application, as amended be approved and that the agreed conditions be imposed in full.

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 for a premises licence at Roosters Piri Piri, 25 London Road. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy, in particular the Cumulative Impact Policy.

The Sub Committee considered representations, both written and given orally today, by all parties and has been taken into account. Human rights legislation has been borne in mind whilst making the decision.

At the commencement of the proceedings the Sub-Committee heard from the applicant's solicitor and from the police that discussions between them have resulted in a compromise proposal acceptable to both parties, namely;

1. The hours sought for late night refreshments (l) are amended to read:

Monday to Thursday 23.00 hours to 0100 hours
Friday to Saturday 23.00 hours to 03.00 hours
Sunday 23.00 to midnight

Reference to non standard timings were deleted.

2. The conditions proposed by the police are accepted in full by the applicant, except that the condition regarding SIA is amended at line 3 to read as follows:

“from 23 00 hours to 03.15 hours on a Friday and Saturday, or until all customers have departed and dispersed from the immediate area of the premises, whichever is earlier on every Friday and Saturday night.”

For the avoidance of doubt the remainder of the condition remains unchanged.

3. The applicant confirmed it agrees to the amendment of M d) of its operating schedule at point 3. so that it will carry out a litter sweep as stated, but on both sides of London Road.

The Sub-Committee then heard from Hampshire Constabulary's representative that the police confirm their acceptance of, and agreement to the proposal, and on this basis, no longer object to the application.

Legal advice was accepted by the Sub-Committee in relation to the Cumulative Impact Policy. It was noted that the premises is located within the boundary of a previously identified stress area, and is subject to the provisions of the formally adopted Cumulative Impact Policy "CIP" (adopted 13 May 2009, confirmed upon review 17 November 2010) that applies to that area.

The Committee noted in particular that:-

- one effect of the CIP is that a *rebuttable presumption* applies to applications for premises licences.
- The *rebuttable presumption* is that such applications shall ordinarily be refused
- Licensing Policy CIP2 16.9 provides that the onus is upon applicants to demonstrate through their Operating Schedule and where appropriate supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced

The Sub-Committee has determined to approve the application as amended. The agreed conditions will be imposed in full.

Reasons

The Sub-Committee has considered very carefully all of the evidence.

The Sub-Committee was satisfied in the particular circumstances of this case, that the proposed licence would not on the balance of probabilities, add to the cumulative impact, already being experienced in the area.

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

9. **APPLICATION FOR VARIATION OF A PREMISES LICENCE – BEST ONE, 66-67 ST. MARY STREET, SOUTHAMPTON SO14 1NW**

The Sub-Committee considered the application for variation of a premises licensing in respect of Best One, 66-67 St. Mary Street, Southampton SO14 1NW.

Mr A Khushdil (Applicant), Mr R Tutt (Counsel), PC Conway and PC Cherry (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 be approved, as amended and that an additional condition be imposed on the licence.

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 for a variation of a premises licence at Best One, 66-67 St Mary Street. 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 whilst making this decision.

All the evidence presented both written and given orally today, has been carefully considered and taken into account.

The Sub-Committee noted in particular the concerns expressed by the police regarding the training that had been provided by the applicant to his staff in the light of the serious perceived problems with the premises under the previous ownership. Further, that the police were concerned that the applicant appeared not to know the conditions of the premises licence when he initially took over, by displaying alcohol for sale whilst the CCTV was not functioning.

It noted the assurances given by the applicant regarding the training that he had provided to his staff since taking over the business, and that he was arranging for a formal training package to be provided as soon as possible.

The Sub-Committee considered the evidence of crime and disorder in the area provided by the police but noted the majority did not involve the premises and the incidents that did either pre-dated, or may have occurred on the actual date that the applicant took over the business.

The Sub-Committee noted the evidence given by the applicant that he intended to make a clean break with the conduct of previous owners with whom he has no connection and his intention to work with the local community and authorities to run his premises, in accordance with the law and best practice.

The Sub-Committee also noted the confirmation given to them by the police that they were not aware of any incidents relating to the premises since they were taken over by the applicant, but also recognise that this is a short period.

Having weighed up all the evidence provided the Sub-Committee has decided:

1. to grant the application as amended, that is to permit supply by retail of alcohol 08.00 to 22.00 hours Monday to Sunday;
2. to impose an additional condition, as suggested to the applicant and agreed by him, namely:-
Single cans of alcoholic beverages shall not be sold.

Reasons

In the light of the legislation guidance and statement of licensing policy referred to above, and in particular Southampton City Council's statement of licensing policy, 8.9, together with careful consideration of all the evidence the Sub-Committee was not satisfied that sufficient evidence had been provided to it by the police showing that the grant of the application would have the effect of damaging any of the licensing objectives cited.

Further, on consideration of the evidence provided by the applicant, the Sub-Committee concluded that a refusal or partial refusal was not justified.

The additional condition is imposed by agreement to promote the licensing objective for the prevention of crime and disorder.

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