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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 12 FEBRUARY 2015

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Present: Councillors Painton, Spicer and Tucker

42. **ELECTION OF CHAIR**

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

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

**RESOLVED** that the minutes of the meeting held on 8 January 2015 be approved and signed as a correct record.

44. **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.

45. **APPLICATION FOR A PREMISES LICENCE - TWOJ SKLEP, REAR OF 349/353 SHIRLEY ROAD, SOUTHAMPTON SO15 3JD**

The Sub-Committee considered an application for a premises licence in respect of Twoj Sklep, rear of 349/353 Shirley Road, Southampton SO15 3JD.

In accordance with Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005 the Sub-Committee determined to proceed with the hearing in the absence of the residential objector.

Mr A Mahmud (Applicant) was 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 premises licence be approved as applied for, with the exception of the amendments to the operating schedule made at the hearing and in accordance with conditions agreed with Hampshire Constabulary.

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 Twoj Sklep, 349/353 Shirley Road. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy.

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

The Sub-Committee noted that the one residential objector was not in attendance and determined that the hearing should continue in their absence. The written representation was carefully considered and taken into account and it was noted that this raised issues in relation to the number of alcohol outlets and street drinking with associated anti-social behaviour in the area.

The Sub-Committee has determined that the application should be approved, as applied for and in accordance with conditions agreed with Hampshire Constabulary. The applicant amended the operating schedule during the course of the hearing to clarify particular points.

### Reasons

The Sub-Committee noted that no other representation had been received including, in particular, from any of the responsible authorities. The police had agreed extensive conditions to be added to the operating schedule and in turn the premises licence, if granted. Those additional conditions related to: CCTV, training, Challenge 25 policy, refusals book, incident book, sales of single cans of alcohol and high strength beers, ciders or lager above 6.5% ABV being prohibited.

The Sub-Committee noted the considerable detail and depth of conditions agreed by the applicant with Hampshire Constabulary, in particular those relating to the sale of single cans and high strength alcohol products. The Sub-Committee were pleased to see such measures adopted by agreement and from the outset. It is accepted that this is a difficult area in which to sell alcohol and the measures adopted and strong cooperation with the police are precisely what the Sub-Committee wishes to see in such areas.

The Sub-Committee was impressed by the applicant and his personal experience spanning many years in the licensed trade, both locally and elsewhere. It was clear to the Sub-Committee that the applicant understands and will implement all the requirements and conditions to be attached to his licence.

The Sub-Committee accepted legal advice that demand or commercial need are not factors that can be taken into consideration in accordance with the statutory guidance and policy.

Local residents can be reassured that in the event that the grant of the licence does in fact lead to issues of concern, relevant to the licensing objectives, a review may be initiated where evidence of the same can be considered and may result in appropriate steps being taken to address them.

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.