
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 12 AUGUST 2020

Present: Councillors Bunday, G Galton and Noon

10. **ELECTION OF CHAIR**

In accordance with S.14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005, the hearing was held using video conferencing and the public were able to view a live stream of the proceedings using a web link published on the council website. This was in the interest of public safety given the isolation restrictions imposed by the Prime Minister as a result of the public health risks due to the Coronavirus or Covid-19. As a result, the Council offices were closed to the public and this licensing sub-committee was held remotely with parties to the hearing participating by way of conference call.

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

11. **STATEMENT FROM THE CHAIR**

In accordance with S.14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005, the hearing was held using video conferencing and the public were able to view a live stream of the proceedings using a web link published on the council website. This was in the interest of public safety given the isolation restrictions imposed by the Prime Minister as a result of the public health risks due to the Coronavirus or Covid-19. As a result, the Council offices were closed to the public and this licensing sub-committee was held remotely with parties to the hearing participating by way of conference call.

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

RESOLVED that the minutes of the meetings held on 29 July 2020 be approved and signed as a correct record.

13. **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

RESOLVED that the Sub-Committee move into private session in order to receive legal advice when determining issues. Following that private session, at which time the matter would be determined, written confirmation of the decision of the Sub-Committee will be distributed to all parties to the hearing.

14. **HEARING FOR NEW PREMISES LICENCE - SALUTE WINES, 69 BEDFORD PLACE, SOUTHAMPTON SO15 2DS**

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

This hearing was held as a virtual meeting using Microsoft Teams and was streamed live online for the press and public to view via the Live Events platform.

The Sub-Committee has considered very carefully the application for a premises licence at SALUTE WINES 69 BEDFORD PLACE, SOUTHAMPTON SO15 2DS. 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 the representations, both written and given orally today, by all parties. The Human Rights Act 1998, The Equality Act 2010 and The Crime and Disorder Act 1998 Section 17 have been considered whilst making the decision.

The Applicant confirmed to the Committee that following discussion with Police and Trading Standards, both the Opening hours applied for, and the hours for the supply by Retail of alcohol (for consumption on and off the premises) have been agreed. These hours were further reduced during the Sub-Committee hearing so that the hours sought are: -

Supply by retail of alcohol:

Monday	0900 - 2230
Tuesday	0900 - 2230
Wednesday	0900 - 2230
Thursday	0900 - 2230
Friday	0900 - 2230
Saturday	0900 - 2230
Sunday	0900 - 2230

The Sub-Committee received legal advice that whilst generally the legislation provides for a presumption of grant of a licence, unless the Licensing objectives cannot be met by conditions, where the premises is located in a Cumulative Impact Zone the presumption is reversed so there is a presumption of refusal unless the Sub-committee are satisfied there are sufficient reasons to grant.

The Sub-Committee heard from members of the public and a neighbouring business premises who objected to the application.

The Sub-Committee considered whether it would be justified in departing from its Statement of Licensing Policy with regards to its Cumulative Impact Policy, in light of the individual circumstances of the case.

In light of all the above the Sub-Committee has determined that the application, as amended, should be granted, subject to the conditions agreed with Hampshire Constabulary and Trading Standards as set out above.

Reasons

The Sub-Committee considered very carefully all the representations objecting to the application. It noted the strength of feeling and the concerns in respect of the licensing objectives that were raised.

The Sub-Committee considered the fact that the premises is located in a Cumulative Impact Zone, and the impact it may have to permit another licenced premises in this location. Consideration was given to the representations made by the applicant and the type of premises they wished to run with regards to the range of alcohol and Italian food items they wished to sell.

It noted the fact that Hampshire Constabulary and Trading Standards had agreed conditions with the applicant and had not attended. It was also noted in particular that it was an agreed condition for there to be a door entry buzzer system to ensure control of access into the premises by potential customers or otherwise.

Having considered its Cumulative Impact Policy, the decision was made to grant the application. Whilst the Sub-Committee were mindful of the concerns raised by the objectors regarding the problems in the area linked to the consumption of alcohol, this decision was made bearing in mind the type of business and the level of clientele likely to frequent the premises having regard to the high-end alcohol due to be sold. Accordingly, having listened carefully to the assurances by the applicant's solicitor, the Sub-Committee decided to depart from its licensing policy and to grant the application.

This decision was on the basis that the Sub-Committee believed that the conditions agreed with the Police and Trading Standards and the business model specified by the applicant thorough his solicitor would be sufficient to ensure the premises would not adversely affect the licensing objectives or adversely add to any cumulative impact already present in the area.

Residents and local businesses can be reassured that where the grant of any application leads to an adverse impact upon the licensing objectives a review of the licence can be brought by them and appropriate steps taken at that time.

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.