
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 28 APRIL 2021

Present: Councillors McEwing, Bunday and Noon

51. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meeting held on 24 March be approved and signed as a correct record.

53. **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 would be distributed to all parties to the hearing.

54. **APPLICATION FOR NEW PREMISES LICENCE - AVENUE FOOD AND WINE, 21 METHUEN STREET, SOUTHAMPTON SO14 6FL**

The Sub-Committee considered very carefully the application for a premises licence at Avenue Food and Wine 21 Methuen Street, SOUTHAMPTON SO14 6FL. It gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy.

The Sub-Committee considered the report of the Service Director for Communities, Culture and Homes, the representations, both written and given orally at the hearing by all parties. The Human Rights Act 1998, The Equality Act 2010 and The Crime and Disorder Act 1998 Section 17 were considered whilst making the decision.

The Applicant confirmed to the Sub-Committee that following discussion with 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) were agreed. The Sub-Committee noted that the hours were comparable to the local opening hours of those Off-License premises referenced in the representations.

Supply by retail of alcohol:

Monday 0700 - 2300

Tuesday 0700 - 2300

Wednesday 0700 - 2300

Thursday 0700 - 2300

Friday 0700 - 2300

Saturday 0700 - 2300

Sunday 0700 – 2300

The Sub-Committee noted that generally the legislation provides for a presumption of grant of a licence, unless the Licensing objectives cannot be met by conditions, which, having considered the report, the Sub-Committee agreed it could. The premises was not located in a Cumulative Impact Zone, so there was no presumption of refusal.

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 in light of the representations, but after careful consideration decided it was not.

In light of all the above the Sub-Committee:

RESOLVED that the licence be granted subject to the conditions agreed with 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 representations made by the applicant and the type of premises the applicant wished to run. It noted the fact that Trading Standards had agreed conditions with the applicant and had not attended.

Whilst the Sub-Committee were mindful of the concerns raised by the objectors regarding the problems in the area with a number of licenced premises, this decision was made bearing in mind the licensing objectives and assurances by the applicant's solicitor to ensure the premises would not adversely affect those licensing objectives.

Residents and local businesses were reassured that where the grant of any application leads to an adverse impact upon the licensing objectives a review of the licence could 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.