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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 13 June 2013

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Present: Councillors Cunio, Parnell and Thomas

1. **ELECTION OF CHAIR**

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

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

**RESOLVED** that the minutes of the meetings held on 25<sup>th</sup> April and 9<sup>th</sup> May 2013 be signed as correct records. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

3. **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 reached its decision.

4. **APPLICATION TO VARY A PREMISES LICENCE - CO-OP, 141 SOUTH EAST ROAD, SOUTHAMPTON, SO19 8JS**

The Sub-Committee considered the application to vary a premises licence in respect of Co-op, 141 South East Road, Southampton, SO19 8JS. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Arnott, Solicitor for Applicant, Mr Keating, Store Manager, Mr Butler, Mr Ross and Mr Thompson, Residents, 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 2003 (Hearings) Regulations 2005.

**RESOLVED** that the application to vary a premises licence be granted in the terms sought and subject to the agreed conditions with the police.

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

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

The Sub-Committee considered carefully the application to vary a premises licence at Co-op Stores, 141 South East Road and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing

Policy, Human Rights legislation and representations, both written and given orally today by the applicant's representative and the residents.

It noted that the premises licence holder had co-operated with the police and that extensive and full conditions relating to CCTV, Incident Book, Refusals Book, Challenge 25 and Staff Training had been agreed with the police

The Sub-Committee considered very carefully the evidence submitted by all parties both written and given orally today. Particular note was made of the legal restrictions placed on the Sub-Committee limiting their considerations solely to the extended hours applied for.

In consideration of all the above, the Sub-Committee has determined to grant the application in the terms sought and subject to the agreed conditions.

### REASONS

The Sub-Committee considered very carefully the evidence of the residents relating to the licensing objectives, but were unable to find evidence that the matters complained of could be attributed to the very limited extension applied for, which was all the Sub-Committee could consider. The Sub-Committee was therefore satisfied that the agreed conditions would be sufficient to address the four licensing objectives.

The Sub-Committee did hold concerns in relation to the location of this premises and issues raised by residents, relating to crime and anti-social behaviour in the area. In light of the extent of the operational procedures and conditions agreed by the applicant with the police, the decision was deemed to be proportionate.

Residents can be reassured by the fact that the Licensing Act 2003 does allow for significant steps to be taken in the event that a premises does cause issues and undermines the licensing objectives in the future. Evidence showing a clear causal link to the premises shall be taken extremely seriously and both the police and local residents may initiate a review in the event that issues arise.

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

#### 5. APPLICATION TO VARY A PREMISES LICENCE - CO-OP, 30-32 THORNHILL ROAD, SOUTHAMPTON, SO18 5TQ

The Sub-Committee considered an application to vary a premises licence in respect of Co-op, 30-32 Thornhill Rod, Southampton, SO18 5TQ. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Arnot, Solicitor for Applicant, Ms Foot, Store Manager, Mr and Mrs Haselden, Residents, 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 2003 (Hearings) Regulations 2005.

**RESOLVED** that the application be granted in the terms sought and subject to the agreed conditions, save that the start time for the supply of alcohol will be 06h00 Monday to Sunday.

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

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

The Sub-Committee considered carefully the application to vary a premises licence in respect of Co-op Thornhill Park Road and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy, Human Rights legislation and representations, both written and given orally today by the applicant's representative and residents.

It noted that the premises licence holder had co-operated with the police and that extensive and full conditions relating to CCTV, Incident Book, Refusals Book, Challenge 25 and Staff Training had been agreed with the police. It was further noted that the hours sought for late night refreshment had been reduced so as to terminate at midnight.

The Sub-Committee considered very carefully the evidence submitted by all parties both written and given orally today.

In consideration of all the above, the Sub-Committee has determined to grant the application in the terms sought and subject to the agreed conditions, save that the start time for the supply of alcohol will be 06h00 Monday to Sunday.

For clarity the Sub-Committee's decision allows the supply of alcohol between 06h00 and 00h00 every day and the provision of late night refreshment from 23h00 to 00h00 every day. This is of course subject to the allowed trading hours under the applicant's planning permission.

## **REASONS**

The Sub-Committee considered very carefully the evidence of the residents relating to the licensing objectives, particularly the prevention of public nuisance. Whilst satisfied that the steps proposed by the amended operating schedule (via conditions as agreed) would be sufficient to address the remaining licensing objectives, the Sub-Committee was concerned about the noise issues raised and felt that setting a later start time for the supply of alcohol was a proportionate way of preventing public nuisance.

Residents can be reassured by the fact that the Licensing Act 2003 does allow for significant steps to be taken in the event that a premises does cause issues and undermines the licensing objectives in the future. Evidence showing a clear causal link to the premises shall be taken extremely seriously and both the police and local residents may initiate a review in the event that issues arise.

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

6. **APPLICATION TO VARY A PREMISES LICENCE - CO-OP, 72-74 WARBURTON ROAD, THORNHILL, SO19 6HQ**

The Sub-Committee considered the application to vary a premises licence in respect of Co-op, 72-74 Warburton Road, Thornhill, SO19 6HQ. (Copy of report circulated with the agenda and appended to the signed minutes).

Mr Arnot, Solicitor for Applicant and Ms Ferris, Store Manager 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 2003 (Hearings) Regulations 2005.

**RESOLVED** that the application be granted in the terms sought, subject to the operating schedule and existing conditions.

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

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

The Sub-Committee considered carefully the application to vary a premises licence in respect of Co-op, Warburton Road and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy, Human Rights legislation and representations, both written and given orally today by the applicant's representative and the applicant.

It noted that none of the responsible authorities had any objections to the variation application. The Sub-Committee has considered very carefully the evidence submitted by all parties both written and given orally today.

In consideration of all the above, the Sub-Committee has determined to grant the application in the terms sought, subject to the operating schedule and the existing conditions.

**REASONS**

The Sub-Committee considered very carefully the objection, but found no evidence that the premises was failing in its duty to promote the licensing objectives.

The Sub-Committee considered very carefully the potential for problems caused by the premises in this location, but were cognisant that the police were satisfied with the application.

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

7. **APPLICATION FOR PREMISES LICENCE - MORRISONS, 133 PORTSWOOD ROAD, SOUTHAMPTON, SO17 2FX**

The Sub-Committee noted that the application for a premises licence in respect of Morrisons, 133 Portswood Road, Southampton, SO17 2FX, had been withdrawn as the applicant wished to have more time to consider the representations made.