
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 27 FEBRUARY 2014

Present: Councillors Cunio, Lloyd and Pope

66. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meeting held on 13 February 2014 be approved and signed as a correct record.

68. **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 reach its decisions.

69. **VARIATION APPLICATION FOR PREMISES LICENCE - DPS VARIATION - ENNIO'S, GEDDES WAREHOUSE, TOWN QUAY, SOUTHAMPTON SO14 2AR**

The Sub-Committee considered the application to vary an application for a premises licence – DPS variation in respect of Ennio's, Geddes Warehouse, Town Quay, Southampton SO14 2AR.

Mr Walter (proposed Designated Premises Supervisor), PC Conway and Miss Barrett (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 variation application for a premises licence – DPS variation be refused.

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 a variation application for a premises licence – DPS variation at Ennio's, Geddes Warehouse, Town Quay. 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.

The Sub-Committee has determined to refuse the DPS variation application.

Reasons

It has considered very carefully all the evidence submitted by both parties, both written and given orally today.

It has considered very carefully the personal circumstances of the proposed DPS and the specific circumstances relating to the offence, now relied upon by the Police. In particular the proposed DPS made the following points:

- the length and breath of experience in the licence trade and role of DPS;
- that this was an isolated incident during a period of personal upheaval;
- the low risk of the premises to which the proposed DPS has been appointed; and
- the lack of incidents of concern during the course of previous employment at the premises and others.

However, despite all of the above the Sub-Committee held considerable concern with regard to the exceptional circumstances of the offence, particularly the level of alcohol consumed, the erratic nature of his driving and the level of damage caused. The Sub-Committee as a result accepted police evidence that the proposed DPS would present a risk to the licensing objectives and specifically the crime prevention objective. Accordingly it was considered appropriate to reject the application. The Sub-Committee were referred to paragraphs 4.26 to 4.28 of the statutory guidance and took this into account whilst reaching the decision.

The Sub-Committee notes that the relevant offence in this case remains “unspent” until 2018 which is a considerable period. At this point in time it was not satisfied that a sufficient period of time had elapsed, however this position will always be considered on the merits of any application.

There is a right of appeal for all parties against the decision to the Magistrates Court. Formal notification of the decision shall be forwarded to all parties and will set out that right.

70. **APPLICATION TO VARY A PREMISES LICENCE - ALDERMOOR CONVENIENCE STORE, 237-239 ALDERMOOR ROAD, SOUTHAMPTON SO16 5NU**

The Sub-Committee noted that the application to vary a premises licence in respect of Aldermoor Convenience Store, 237-239 Aldermoor Road, Southampton SO16 5NU no longer required a hearing as agreement had been reached between the parties and the objectors had withdrawn their representations.