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**SOUTHAMPTON CITY COUNCIL**  
**LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE**  
**MINUTES OF THE MEETING HELD ON 21 AUGUST 2014**

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Present: Councillors Painton, Tucker and Whitbread

21. **ELECTION OF CHAIR**

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

22. **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.

23. **APPLICATION FOR REVIEW OF A PREMISES LICENCE - FAMILY FOOD STORE, 156 WARREN AVENUE, SOUTHAMPTON SO16 6AD**

The Sub-Committee considered an application for review of a premises licence in respect of Family Food Store, 15 Warren Avenue, Southampton SO16 6AD.

Mr Jordan (Agent), Mr Perera (Premises Licence Holder and DPS), PC Conway and PC Norris (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 premises licence be suspended for a period of five weeks and that an additional condition be added to the licence.

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 review of the premises licence at Family Food Store, 156 Warren Avenue by Hampshire Constabulary supported by Trading Standards. 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 whilst making this decision.

All the evidence presented both written and given orally today, has been carefully considered and taken into account. The Sub-Committee particularly addressed itself to the licensing objectives for the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

The Sub-Committee having considered all of the above has decided to suspend the premises licence for a period of five weeks. The period of suspension shall commence on the first Saturday falling after the 21 day period for appeal has elapsed. In addition the Sub-Committee has determined to impose an additional condition, as follows:

No sales of single cans of alcohol shall be made at the premises. For the avoidance of doubt the previously existing condition number 6. (annex 2 of the premises licence) shall be removed.

### Reasons

The Sub-Committee having considered all of the options set out within the legislation determined that a suspension of the licence for a period of five weeks was appropriate and proportionate in this case. It was noted that the premises licence holder and his consultant had worked with the police to take steps to ensure compliance with conditions. In particular, the Sub-Committee noted that staff have now received training and passed tests, that signage had been placed at the premises in relation to the sale of single cans and underage sales. As a result the Sub-Committee accepted the submissions of both parties that revocation would not be proportionate in this instance. The Sub-Committee whilst making deliberations was referred to the statutory guidance and in identifying the causes of the concerns considered the financial impact of the suspension now imposed. A suspension of five weeks was considered proportionate, both to act as a deterrent and to allow a sufficient period for outstanding steps to be undertaken to ensure compliance with the existing CCTV condition.

The Sub-Committee takes underage sales particularly seriously, especially where a sale was made to a test purchaser as young as 15.

The Sub-Committee warns that in light of this review and other non-compliance with the licensing conditions any further issues at the premises are likely to lead to further review with the potential for revocation of the premises licence.

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.

24. **APPLICATION FOR REVIEW OF A PREMISES LICENCE - BEST ONE CONVENIENCE STORE, 405 SHIRLEY ROAD, SOUTHAMPTON SO15 3JD**

The Sub-Committee considered an application for review of a premises licence in respect of Best One Convenience Store, 405 Shirley Road, Southampton SO15 3JD.

Mr Bankole (Premises Licence Holder and DPS), PC Conway and PC Norris (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**

- (i) that the licence be suspended for three months, subject to the suspension being lifted upon written confirmation by Hampshire Constabulary that all the conditions attached to the premises licence have been adopted and are

- being complied with. The period of suspension shall be no less than one month; and
- (ii) that two additional conditions be imposed on the licence.

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 review of the premises licence at Best One Convenience Store, 405 Shirley Avenue by Hampshire Constabulary supported by Trading Standards. 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 whilst making this decision.

All the evidence presented both written and given orally today, has been carefully considered and taken into account. The Sub-Committee particularly addressed itself to the licensing objectives for the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

It was noted that Trading Standards were not present, however the written representation was considered by the Sub-Committee.

Having considered all of the above, the Sub-Committee has decided to impose a suspension for three months, subject to the suspension being lifted upon written confirmation by Hampshire Constabulary that all the conditions attached to the premises licence have been adopted and are being complied with. In any event the period of suspension shall be no less than one month. The period of suspension shall commence on the first Saturday falling after the 21 day period for appeal has elapsed.

In addition to the period of suspension the Sub-Committee has decided to impose the conditions, as set out at 2 and 3 of the police representation, where proposals and conditions are suggested (addressing the sale of single cans of alcohol and the sale of high strength beers, lagers and ciders above 6.5% ABV).

### Reasons

The Sub-Committee considered all the options available to them, in accordance with the legislation and determined that the suspension as set out was both proportionate and appropriate as a deterrent to prevent further breaches and in order to enable the premises licence holder to properly implement all the conditions attached to the licence, including those now imposed. The Sub-Committee was referred to and considered the statutory guidance and determined that the suspension and conditions imposed were appropriate to address the identified causes of the concerns at the premises. The financial impact of all the steps imposed were fully considered and taken into account. The Sub-Committee did listen to the premises licence holder's points on the strength of alcohol available for beers, lager and cider, however, has determined that it is important to support the scheme promoted by Hampshire police and that it was appropriate for it to be imposed in this instance. In arriving at this decision the Sub-Committee took into account evidence of incidents within the area, only in so far as it establishes a

widespread concern regarding anti-social behaviour and associated public nuisance and crime and disorder. It also noted that the condition allows for products to be exempt, if agreed in advance in writing (subject to revocation of that permission in the event of evidence showing a direct link to litter or anti-social behaviour).

The Sub-Committee takes underage sales particularly seriously, especially where a sale was made to a test purchaser as young as 15.

The Sub-Committee warns that in light of this review and other non compliance with the licensing conditions any further issues at the premises are likely to lead to further review with the potential for revocation of the premises licence.

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.