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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 6 NOVEMBER 2014

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Present: Councillors Lewzey, Tucker and Whitbread

25. **ELECTION OF CHAIR**

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

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

**RESOLVED** that the minutes of the meetings held on 14, 19 and 21 August 2014 be approved and signed as a correct record.

27. **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.

28. **APPLICATION FOR TRANSFER OF A PREMISES LICENCE - WORLD SHOP, 210-214 SHIRLEY ROAD, SOUTHAMPTON SO15 3FL**

The Sub-Committee considered an application for transfer of a premises licence in respect of World Shop, 210-214 Shirley Road, Southampton SO15 3FL.

Mr Abdi (Applicant), PC Conway (Hampshire Constabulary) and Mr Marshall (Trading Standards – Southampton City Council) 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 application for transfer of a premises licence 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.

It was agreed by all parties that the Sub-Committee would hear this application at the same time as the application for a DPS variation relating to the same premises and involving the same individuals. This was because the evidence in respect of each application was identical.

The Sub-Committee has considered very carefully the application for a transfer of a premises licence at World Shop, 210-214 Shirley Road. 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 representation from Hampshire Constabulary both written and given orally today, including the evidence of Lucas Marshall from Trading Standards, which has been taken into account. Human rights legislation has been borne in mind whilst making the decision.

The Sub-Committee has determined to refuse the application for the transfer of a premises licence.

### Reasons

The Sub-Committee has considered very carefully all of the evidence.

The Sub-Committee was mindful of the number of serious criminal offences that had occurred previously and that the person responsible, Mr Hussein would retain an active involvement in the running of the premises. The offences included the sale of smuggled goods (include alcohol) and breaches of labelling regulations.

There was also concern that Mr Abdi had made this application but had still failed to see the premises licence and therefore failed to familiarise himself with the conditions, despite being asked by the police to do so.

The Sub-Committee was also concerned that from the evidence heard, Mr Hussein would retain a financial interest in the premises for some considerable time.

In addition, there was uncertainty regarding the transfer of the business as there was no evidence available to confirm this.

In view of all of the above, the Sub-Committee considers it appropriate for the promotion of the crime and prevention objective to refuse the application.

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.

29. **VARIATION APPLICATION FOR PREMISES LICENCE - DPS VARIATION - WORLD SHOP, 210-214 SHIRLEY ROAD, SOUTHAMPTON SO15 3FL**

The Sub-Committee considered a variation application for a premises licence – DPS variation in respect of World Shop, 210-214 Shirley Road, Southampton SO15 3FL.

Mr Abdi (Applicant), PC Conway (Hampshire Constabulary) and Mr Marshall (Trading Standards – Southampton City Council) 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.

It was agreed by all parties that the Sub-Committee would hear this application at the same time as the application for a transfer of a premises licence relating to the same premises and involving the same individuals. This was because the evidence in respect of each application was identical.

The Sub-Committee has considered very carefully the application for a transfer of a premises licence at World Shop, 210-214 Shirley Road. 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 representation from Hampshire Constabulary both written and given orally today, including the evidence of Lucas Marshall from Trading Standards, which has been taken into account. Human rights legislation has been borne in mind whilst making the decision.

The Sub-Committee has determined to refuse the application to vary a premises licence – DPS variation.

### Reasons

The Sub-Committee has considered very carefully all of the evidence.

The Sub-Committee was mindful of the number of serious criminal offences that had occurred previously and that the person responsible, Mr Hussein would retain an active involvement in the running of the premises. The offences included the sale of smuggled goods (include alcohol) and breaches of labelling regulations.

There was also concern that Mr Abdi had made this application but had still failed to see the premises licence and therefore failed to familiarise himself with the conditions, despite being asked by the police to do so.

The Sub-Committee was also concerned that from the evidence heard, Mr Hussein would retain a financial interest in the premises for some considerable time.

In addition, there was also uncertainty regarding the transfer of the business as there was no evidence available to confirm this.

In view of all of the above the Sub-Committee considers it appropriate for the promotion of the crime and prevention objective to refuse the application.

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.

30. **APPLICATION FOR VARIATION OF A PREMISES LICENCE - CLOUD NINE, 94-96 ST. MARY'S ROAD, SOUTHAMPTON SO14 0AH**

The Sub-Committee considered an application for a variation of a premises licence in respect of Cloud Nine, 94-96 St Mary's Road, Southampton SO14 0AH.

Mr Walms, Mr Southall (Cloud Nine), PC Cherry and PC Conway (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 application 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 the application for a variation of a premises licence at Cloud Nine, 94-96 St. Mary's Road. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy, in particular the Cumulative Impact Policy.

The Sub Committee considered representations, both written and given orally today, by all parties and has been taken into account. Human rights legislation has been borne in mind whilst making the decision.

The Committee noted in particular that:-

- one effect of the CIP is that a *rebuttable presumption* applies to applications for premises licences.
- The *rebuttable presumption* is that such applications shall ordinarily be refused
- Licensing Policy CIP2 16.9 provides that the onus is upon applicants to demonstrate through their Operating Schedule and where appropriate supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced

The Sub-Committee considered this long and hard but ultimately has determined to refuse the application.

### Reasons

The Sub-Committee has considered very carefully all of the evidence.

The application form did not provide any evidence that the operating schedule would not add to the cumulative impact already being experienced. Evidence was heard that the premises is extremely well run and the Sub-Committee has no issue with control of clientele within the premises. However, the CIP is more concerned with what is happening outside.

The Sub-Committee wish to stress that the crime statistics presented and its refusal of the application are not a reflection of either the police, or the Sub-Committee's view of the premises, or those running it. Indeed the Sub-Committee would wish to commend the way in which the premises are operated.

Nevertheless, the premises are within the CIP. The Sub-Committee heard evidence that the premises intended by its application, to attract additional clientele and it was felt that this alone would result in more people coming into the area. It was also felt that a later opening premises would attract people generally. There was no evidence presented to counter that view. This will inevitably impact on the licensing objectives.

Therefore the Sub-Committee believes that the presumption that the application should be refused has not been rebutted and finds accordingly.

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.