
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 22 JANUARY 2020

Present: Councillors Mrs Blatchford, B Harris and Spicer

35. **ELECTION OF CHAIR**

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

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

RESOLVED that minutes of the meeting held on 18 December 2019 be approved and signed as a correct record.

37. **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. The parties to the hearing, press and the public, unless otherwise excluded by Category 4 of paragraph 10.4 of the Council's Access to Information Procedure Rules, would be invited to return immediately following that private session at which time the matter would be determined and the decision of the Sub-Committee announced.

38. **APPLICATION FOR GRANT OF A PREMISES LICENCE - DHALIWAL STORE, 123 DERBY ROAD, SOUTHAMPTON SO14 0DT**

The Sub-Committee considered the report of the Service Director of Transactions and Universal Services for an application for a premises licence in respect of Dhaliwal Store, 123 Derby Road, Southampton SO14 0DT.

Nick Semper, applicant's representative, Councillor Barnes-Andrews, Councillor Kataria and Gulzar Sharif, local resident, 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 granted subject to amended and additional conditions.

After private deliberation the Sub-Committee reconvened and the Chair read out 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 premises licence at Dhaliwal Store, 123 Derby Road, Southampton SO14 0DT. 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 heard representations from the applicant's representative, Nick Semper, together with objections from Ward Councillors, Councillor Barnes-Andrews and Councillor Kataria, and local resident, Gulzar Sharif.

The Sub-Committee considered the representations, both written and given orally today, by all parties. The Human Rights Act 1998, The Equality Act 2010 and The Crime and Disorder Act 1998 Section 17 have been considered whilst making the decision.

It was noted that the application was amended by the provision and agreement by Hampshire Constabulary of proposed conditions and amendment of opening hours for the operation of the premises to between 07:00 and 00:00 hours and for the sale of alcohol to between 07:00 and 00:00 hours, Monday to Sunday.

In light of all the above the Sub-Committee has determined that the application should be granted, subject to the amended conditions agreed with Hampshire Constabulary as set out in the report and the additional conditions offered at the hearing on behalf of the applicant as set out below.

Incident Log – add extra clause:

“Any refusal to sell alcohol to any person as being deemed intoxicated.”

Additional Conditions

“No deliveries to be made to the premises after 22:00 hours.”

“No more than 20% of floor space in the premises to be used for the stocking and sale of alcoholic products.”

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 all four licensing objectives that were raised. It took into account also the petition signed by a significant number of persons.

The Sub-Committee also carefully considered the representations made on behalf of the applicant. In particular it noted the fact that Hampshire Constabulary had agreed conditions with the applicant's representative and did not attend the hearing.

Weighing up all of the above, the Sub-Committee does not consider it would be appropriate or proportionate to refuse the application in whole or in part at this time on the basis of the evidence presented. The Sub-Committee concluded that, on balance, the applicant had fulfilled the requirements of the legislation in respect of the licensing objectives and the application should be granted but with the additional conditions as set out.

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