
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 3 FEBRUARY 2021

Present: Councillors Bunday, Galton and McEwing

39. **ELECTION OF CHAIR**

In accordance with S.14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005, the hearing was held using video conferencing and the public were able to view a live stream of the proceedings using a web link published on the council website. This was in the interest of public safety given the isolation restrictions imposed by the Prime Minister as a result of the public health risks due to the Coronavirus or Covid-19. As a result, the Council offices were closed to the public and this licensing sub-committee was held remotely with parties to the hearing participating by way of conference call.

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

40. **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

RESOLVED that none were noted.

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

RESOLVED that the minutes of the meeting held on 26 January 2021 be approved and signed as a correct record.

42. **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. Following that private session, at which time the matter would be determined, written confirmation of the decision of the Sub-Committee would be distributed to all parties to the hearing.

43. **APPLICATION FOR A PREMISES LICENCE FOR AVENUE ROAD LOCAL, 92 AVENUE ROAD, SOUTHAMPTON SO14 6TX**

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

This hearing was held as a virtual meeting using Microsoft Teams and was streamed live online for the press and public to view via the Live Events platform.

The Sub-Committee considered very carefully the application for a premises licence at Avenue Road Local, 92 Avenue Road, Southampton SO14 6TX. It gave due regard to the Licensing Act 2003 and the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy.

The Sub-Committee considered the report of the Service Director - Communities, Culture and Homes.

The Sub-Committee considered the application as submitted, and heard representations from the objectors, and from Professor Light and Richard Baker, the applicant's representatives, who were supporting the application. The Applicant was unable to contribute as he was ill with Covid.

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 as set out in the application report.

It was noted that no other responsible authority made representations.

The Sub-Committee were mindful of the strenuous objections and accepted that the objectors were able to provide evidence of issues in the locality.

However, the Sub-Committee noted that the objections related to issues at premises and surrounding areas which are not caused by a business operating on the site of these premises.

The Sub-Committee was also mindful that the legislation provides for a presumption of grant of a licence, unless there is evidence that the licensing objectives cannot be met by conditions.

RESOLVED

In light of all the above the Sub-Committee determined that the application should be granted, subject to the conditions agreed with Hampshire Constabulary as set out in the application and with the slight variation to include the provision of a Guppy bin outside the shop.

The hours were granted as applied for as the statutory guidance makes it clear that they should match the shop opening hours.

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 the licensing objectives that were raised.

The Sub-Committee discussed at some length the possible reduction of the hours for supply by retail of alcohol in the light of the concerns expressed by the representations.

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.

The Sub-Committee is nevertheless bound to comply with legislation and statutory guidance.

Weighing up all of the above, the Sub-Committee did not consider it would be appropriate or proportionate to refuse the application at this time on the basis of the evidence presented or to vary the hours.

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 by them 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.