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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 30 NOVEMBER 2022

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Present: Councillors Bunday (Chair), Goodfellow and Noon

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

**RESOLVED:** that the minutes for the Sub- Committee meeting on 21 September 2022 be approved and signed as a correct record.

6. **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

**RESOLVED:** that at a predetermined point during the consideration of all items the Sub-Committee may move into private session in order to receive legal advice when determining issues. The parties to the hearing, press and the public, would be invited to return immediately following that private session at which time the matter will be determined and the decision of the Sub-Committee will be announced.

7. **APPLICATION FOR NEW PREMISES LICENCE - CHAPEL RIVERSIDE STORES, UNIT 1 TRINITY COURT, OLD MILL LANE SO14 5BW**

The Sub-Committee considered the report of the Service Director – Communities, Culture and Homes for an application for a premises licence in respect of a New Premises Licence - Chapel Riverside Stores, Unit 1 Trinity Court, Old Mill Lane SO14 5BW

Chris Mitchener (Applicants Agent ), and Dr Afsana Bhuiyan and Mr A McBride 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**

The Sub-Committee has considered very carefully the application for a premises licence at Chapel Riverside Stores Unit 1 Trinity Court Old Mill Lane SO14 5BW. 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 from Mr Chris Mitchener in support of the application. Mr Mitchener withdrew the application for recorded music between 0600 and 0800 which has been duly noted by the Sub-committee. The Sub-Committee also heard from the objectors who were present.

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.

The Sub-Committee noted that the objections related to the licensing objectives of public nuisance, public safety and protection of children from harm. Mr Mitchener pointed out that there were no representations from any responsible authority and specifically, Environmental Health as regards nuisance or from the local nursery school. Additionally, there was no representation from Safeguarding Children.

Mr Mitchener also addressed the concerns around parking and deliveries stating that there are two designated parking bays and a delivery bay for a large lorry.

The Sub-Committee was also mindful that the legislation provides for a presumption of grant of a licence, unless the Licensing objectives cannot be met by conditions. The Sub-Committee was reminded that it must take into account actual evidence and cannot rely on speculation as to what might happen in the future.

In light of all the above the Sub-Committee has determined that the application should be granted, subject to the withdrawal of the application for recorded music.

### 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. However, under the licensing regime as set out above, it is not possible to consider speculative issues.

The relevant responsible authorities had made no representations and the applicant through Mr Mitchener had answered the concerns raised as far as possible at this time.

Weighing up all of the above, the Sub-Committee does not consider it would be appropriate or proportionate to refuse the application at this time on the basis of the evidence presented. The Sub-Committee concluded that it would be appropriate and proportionate to grant the licence subject to withdrawal of the recorded music aspect.

For clarity the decision is to grant a licence for the sale of alcohol between the hours of 0600 and 2300 every day with the conditions as set out in the application.

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.