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DECISION OF THE LICENSING SUB COMMITTEE (LICENSING AND GAMBLING)

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Decision

Wednesday, 8 November 2023

Service Director, Legal & Governance

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LICENSING (LICENSING & GAMBLING) SUB COMMITTEE

TO CONSIDER AN APPLICATION FOR GRANT OF A PREMISES LICENCE:

Sam Store East Block - The Balbirs 72 Portswood Road Southampton SO17 2FB

16th November 2023

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

This hearing was held as a remote hearing with all parties participating virtually 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 the grant of a premises licence at Sam Store East Block - The Balbirs 72 Portswood Road Southampton SO17 2FB. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, and the adopted statement of Licensing Policy. The Human Rights Act 1998, the Crime and Disorder Act 1998 and the Equality Act 2010 were borne in mind whilst making the decision.

The Sub-Committee made its decision on the basis of all of the evidence submitted, both in writing and given orally at the Hearing.

The Sub-Committee noted that Hampshire Constabulary (Licensing) and thirty-five residents had submitted representations. It also noted that conditions had been agreed by Hampshire Constabulary with the Applicant. No other responsible authorities had made representations.

The Sub-Committee heard oral evidence from the applicant's representative Mr Shorish Mustafa, and from several of the residents, and two councillors. The written representations were also considered.

Having considered all of the above, the Sub-Committee has:

RESOLVED to grant the premises license in accordance with the application and subject to the conditions agreed with Hampshire Constabulary. An amendment was made to the condition regarding the sale of alcohol, which will be from 8am Monday to Saturday and 11am on Sunday with no change to closing hours agreed.

Reasons

The application is for a new Premises Licence for a shop on a newly built block of flats with small retail units at the ground level.

Legislation provides for a presumption of the granting of a new premises licence, subject to the determination of the application with a view to promoting the licensing objectives in the overall interests of the local community.

The Sub-Committee has carefully considered the written objections, oral representations, and the representations in support of the application.

Hampshire Constabulary agreed conditions with the applicant prior to the hearing. The Police had also explained to the Applicant, that the proposed DPS must have their Personal Licence before any alcohol can be sold, and, that this must be reflected on the licence if it is granted. Provided the agreed conditions are included in the licence, the police have no objections to the grant of a Premises Licence.

Generally, residents are concerned that the grant of a Premises Licence will lead to an increase in public nuisance and anti-social behaviour as well as a risk of harm to children. There is also concern that there are a number of businesses offering the same services within a short distance. Objectors also raised the proximity of the proposed shop to other local amenities, for example; the nearby mosque, a pre-school and school, and a housing association.

The Sub-Committee has considered all representations but concludes that there is no evidence of a real risk of a breach of the Licensing Objectives. The Sub-Committee acknowledges the genuine concerns of the residents but is limited to dealing with the application in accordance with the Licensing Objectives. The Sub-Committee noted that in the absence of concerns raised by the police or proof provided by any of the residents, concerns could only be classed as speculative, which the Sub-Committee can only give limited weight to.

The Sub-Committee considered the concerns of the residents and councillors regarding the sale of alcohol early in the morning and therefore decided to bring the sales time in line with other retailers in the area, as detailed above.

The Sub-Committee noted that while the applicant appeared inexperienced, there is guidance and assistance available to him, which the Panel strongly advises the Applicant to take advantage of. The Sub-Committee hopes that this will assure residents who had concerns about the Applicant's inexperience.

There is a general right to review a premises licence, which can be brought by residents or responsible authorities. In the event that the premises causes issues of concern, the licence, in its entirety, can be considered at that stage where the evidence supports it.

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.