
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 12 MAY 2021

Present: Councillors Laurent, McEwing and Noon

59. **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.

60. **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.

61. **NEW PREMISES APPLICATION - GORILLAS, 133 PORTSWOOD ROAD, SOUTHAMPTON SO17 2FX**

The Sub-Committee considered very carefully the application for a premises licence at Gorillas Technology Ltd, 133 Portswood Road, SOUTHAMPTON SO17 2FX. It gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy.

The Sub-Committee considered the representations, both written, and given orally at the hearing, by all parties. The Human Rights Act 1998, The Equality Act 2010 and The Crime and Disorder Act 1998 Section 17 were considered in making the decision.

The Applicant confirmed to the Sub-Committee that, following discussion with Police, the opening hours applied for were agreed as follows:

Supply by retail of alcohol:

Monday	0800 - 0000
Tuesday	0800 - 0000
Wednesday	0800 - 0000
Thursday	0800 - 0000

Friday	0800 - 0000
Saturday	0800 - 0000
Sunday	0800 – 0000

The Sub-Committee received legal advice that the legislation provides for a presumption of grant of a licence, unless the licensing objectives cannot be met by conditions.

The Sub-Committee heard from members of the public who objected to the application. In light of all the above the Sub-Committee:

RESOLVED that the licence be granted subject to the conditions agreed with Hampshire Constabulary.

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 was unable to consider matters raised in representations that related to planning.

The Sub-Committee considered the fact that the premises was located in a residential area, and the impact it might have to residents in the location. Consideration was given to the representations made by the applicant and the type of premises they wished to run with regards to the range of alcohol and food items they wished to sell.

It noted the fact that Hampshire Constabulary had agreed conditions with the applicant and had not raised the need for a hearing. It was also noted in particular that there is to be no access into the premises by the public.

Having considered all of this, the decision was made to grant the application. Whilst the Sub-Committee was mindful of the concerns raised by the objectors regarding the problems concerning potential noise and disruption, the decision was made bearing in mind the type of business to be run from the premises. Accordingly, having listened carefully to the assurances by the applicant's solicitor, the Sub-Committee decided that the application met licensing policy and to grant the application.

This decision was on the basis that the Sub-Committee believed that the conditions agreed with Hampshire Constabulary would be sufficient to ensure the premises would adhere to the licensing objectives.

Residents and local businesses were reassured that where the grant of any application lead to an adverse impact upon the licensing objectives a review of the licence could 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.