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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 23 OCTOBER 2023

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Present: Councillors M Bunday, Kenny and Powell-Vaughan

Apologies: None

19. **ELECTION OF CHAIR**

**RESOLVED:** that Councillor M Bunday, as Chair of the Licensing Committee, would be Chair for the purposes of this meeting.

20. **STATEMENT FROM THE CHAIR**

The Chair noted that the hearing was a virtual meeting, with the participants to the hearing participating online.

The Sub-Committee would 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 the Licensing Act 2003 (Hearings Regulations 2005) 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.

The online live stream of the meeting would end when the Sub-Committee moved into private session and for the press and the public who had not attended in person the decision of the Sub-Committee would be published on the Council's website.

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

**RESOLVED:** that the minutes for the Sub-Committee meeting on 4<sup>th</sup> October 2023 be approved and signed as a correct record.

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

**RESOLVED:**

- I. 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 the Licensing Act 2003 (Hearings Regulations 2005), 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;
- II. And that the online live stream of the meeting would end when the Sub-Committee moved into private session and for the press and the public who had not attended in person the decision of the Sub-Committee would be published on the Council's website.

23. **APPLICATION FOR NEW PREMISES LICENCE - CITY NEWS, 8 PARK STREET, SOUTHAMPTON SO16 4RJ**

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

This hearing was held as a virtual hearing with people attending 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 as submitted. Representations by all the parties present at the hearing as well as written representations were also fully taken into consideration.

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 considered the representations, both written and given orally, 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 conditions had been agreed with Hampshire Constabulary and Trading Standards so no responsible authorities made representations.

#### **RESOLVED:**

Having considered all of the above the Sub-Committee decided to grant the licence in accordance with the application but subject to the conditions agreed and set out in an email from the Licensing Authority (Ms Young) to Hampshire Constabulary (PC Dimmer) and Trading Standards (Mr Marshall) dated 21<sup>st</sup> September 2023 and timed at 3-04 p.m.

#### **Reasons:**

The Sub-Committee heard from the Applicant's representative Mr J Wallsgrove in support of the application and Mr S. Panchal opposing the application on behalf of Ms S.Goswani. The Sub-Committee noted the petition submitted by Ms Goswani and considered it as support for her objection.

The objection focused greatly on the history of the premises which had limited relevance to the Application as this is a new application with a new Applicant. There was speculation as to what may happen if the licence is granted. The Sub-Committee received advice that they could not take into account speculation although in this case they might take the view that the history raised enabled some speculative concerns to be considered.

Advice was also given that the legislation has a presumption of grant so that the application can only be refused if the concerns raised cannot be met by conditions. The conditions agreed with the Hampshire Constabulary and Trading Standards do meet concerns that do not amount to speculation. Advice was also received that the responsible authorities are regarded as experts in their respective fields.

The Sub-Committee had concerns with regard to the close involvement of the Applicant's parents in the business. However they were reassured by the fact that

Hampshire Constabulary and Trading Standards had spent time with the Applicant and were satisfied that the licence could be granted with the agreed conditions. Additionally, it was noted that Mr Wallsgrove will continue to assist the Applicant with appropriate training methods and documentation.

Whilst the Sub-committee noted the objection around hours for the sale of alcohol it was not presented with any evidence that there was good reason to depart from the Statutory Guidance to allow alcohol sales during the shop opening hours.

Objectors and residents should be assured that if the concerns raised do materialise they have the right to seek a review of the licence which would be heard by the Sub-Committee.

There is a right of appeal for any party to the Magistrates' Court. All parties will receive written notification of the decision with reasons which will set out that right in full.

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