

Licensing (Licensing and Gambling) Sub-Committee

Monday, 23rd October, 2023
at 4.00 pm

PLEASE NOTE TIME OF MEETING

Virtual Meetings - Virtual meeting

This meeting is open to the public

Contacts

Melanie Morley - Democratic Support Officer
melanie.morley@southampton.gov.uk

DECISION

7 **APPLICATION FOR NEW PREMISES LICENCE - CITY NEWS, 8 PARK STREET, SOUTHAMPTON SO16 4RJ** (Pages 1 - 2)

Friday, 13 October 2023

Service Director, Legal & Governance

LICENSING (LICENSING AND GAMBLING) SUB – COMMITTEE DECISION OF THE MEETING HELD 23 OCTOBER 2023

APPLICATION FOR GRANT OF A 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 has 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 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 conditions had been agreed with Hampshire Constabulary and Trading Standards so no responsible authorities made representations.

Having considered all of the above the Sub-Committee has 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 21st 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 did have 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.