
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 11 OCTOBER 2017

Present: Councillors Mrs Blatchford, Bogle and Parnell

16. **ELECTION OF CHAIR**

RESOLVED that Councillor Blatchford be elected as Chair for the purposes of this meeting.

17. **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the parties to the hearing, press and public be excluded at a predetermined point whilst the Sub-Committee reaches its decision.

18. **APPLICATION FOR A VARIATION OF PREMISES LICENCE - SAINSBURY'S SUPERMARKET, 202-224 PORTSWOOD ROAD, SOUTHAMPTON SO17 2BE**

The Sub-Committee considered the application for variation of a premises licence in respect of Sainsbury's Supermarket, 202-224 Portswood Road, Southampton SO17 2BE.

Ms Surguy (Applicant's Agent), Mr Botkai (Applicant's solicitor), Ms Coleman (Local Resident), Mrs Jameson (Portswood Residents Gardens Conservation Area), Mr Duke (Local Resident), Councillor Claisse (Ward Councillor) 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 that the application for variation of premises licence be granted, subject to the agreement reached with the Police and as amended during the course of the hearing.

After private deliberation the Sub-Committee reconvened and the Chair read out the following decision:-

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

The Sub-Committee has considered very carefully the application for variation of a premises licence at Sainsbury's Supermarket, 202-224 Portswood Road, Southampton SO17 2BE. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy. Human Rights legislation was borne in mind whilst making the decision.

The Sub-Committee noted that representation had been made by the Police but was withdrawn following negotiation with the applicant and subsequent amendment to the application. Initially the application sought 24 hour licensing at the store but this had been reduced to the hours of 0600 to 2400 for 14 days before Christmas Day,

Christmas Day and 7 days after Christmas Day. It was further confirmed by the applicant that extended hours sought during the Easter period were withdrawn. The application did, however, continue to seek 24 hour licensing solely in relation to the allocation of alcohol to orders relating to on-line sales (i.e. the ability to pack on-line orders, including alcohol, throughout the night).

Following withdrawal of the Police representation, no representations were received from Responsible Authorities. Numerous representations had been received from residents and on behalf of residents.

In light of all the above, the Sub-Committee has determined to grant the application subject to the agreement reached with the Police and as amended during the course of the hearing.

Reasons

The Sub-Committee heard considerable evidence from residents both orally at the hearing and in written representations relating to general issues of crime and disorder and nuisance in the area. Issues raised included (but were not limited to):

- Late night noise (shouting and screaming)
- Vandalism
- Vomiting
- Street drinking
- Urinating
- Litter
- The precedent caused by granting any extension
- The need for additional alcohol availability in the area
- Lack of police presence
- Highly residential area with elderly homes nearby
- New student blocks are to be completed soon

Generally, residents are concerned that any additional premises or extension to licensable activities (the sale of alcohol) will necessarily lead to an increase in drunkenness and the associated issues arising. The Sub-Committee does acknowledge these concerns and can fully understand the fears of residents given the blight caused by alcohol abuse, drug abuse and general anti-social behaviour in the area. However, the Sub-Committee has had to determine the application that is before it and had to focus its mind upon the extent to which the issues reported are created by the premises in question and perhaps, more importantly, the extent, if any, the application will affect those issues if granted. The additional hours now sought are very much reduced from the original application and only span a very limited period. The Sub-Committee heard evidence from the applicant to state that the full extent of the application would not be utilised and that, in fact, the reality was that only a few additional days over the Christmas period would be used. The number of days applied for would allow flexibility. The Sub-Committee noted that students were unlikely to be in student accommodation at this time, being Christmas.

The Sub-Committee was not satisfied that the additional hours sought to allow packing throughout the night would lead to any increase to the issues complained of

whatsoever, given the store can currently operate in this way in any event save for the packing of alcohol.

The Sub-Committee has had to consider the application on its own merits and accepted legal advice that any decision therefore does not set a precedent.

Whilst the Sub-Committee acknowledges the wider concerns of the residents, it would not be appropriate or proportionate to refuse the application at this time on the basis of the evidence presented.

It was also acknowledged that the statutory guidance does indicate that shop premises should generally be granted hours that coincide with their opening hours and that the police are the experts on crime and disorder and have decided that a hearing is not necessary following agreement with the applicant.

Residents 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 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.