
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 20 JUNE 2018

Present: Councillors J Baillie, Leggett and McEwing

6. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meeting held on 6 June 2018 be approved and signed as a correct record.

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

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.

9. **APPLICATION FOR A VARIATION OF A PREMISES LICENCE - SHELL WAITROSE HAMPTON PARK, 197 BURGESS ROAD, SOUTHAMPTON, SO17 1TU**

The Sub-Committee considered the application for variation of a premises licence in respect of Shell Hampton Park, 197 Burgess Road, Southampton SO17 1TU.

Sarah Clover (Barrister), Corrigan Lockett (Agent), Paul Hindley (Licensing Operator), Peter Wainwright (Environmental Health Officer), James Cox, Derrick Warcup and Simon Wills (Local Residents) 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 variation to the premises licence be granted.

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 Shell Hampton Park, 197 Burgess Road, Southampton SO17 1TU. 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 Environmental Health Service and six residents. No other responsible authority had made representations.

Reasons

The Sub-Committee heard evidence from the applicant, Environmental Health and residents both orally at the hearing and in written representations.

The objections were based on public nuisance and there was no objection to the amendments to conditions applied for. The Sub-Committee therefore grants items 1, 2, 5-8 set out in the Summary of Application at page 7 (5 of 59) of the pack.

The Sub-Committee then moved to consider items 3 and 4 the extension of hours for alcohol sales and the late night refreshment.

Generally, residents are concerned that any additional extension to licensable activities will lead to an increase in public nuisance. Accordingly, the Sub-Committee had to determine to what extent, if at all, the proposed variation would lead to additional issues at the premises. Many of the issues complained of relate to the general day to day running of the premises under its existing licence. On balance the Sub-Committee does not feel that refusing the variation sought would in actual fact address any of those concerns.

The Sub-Committee has therefore decided to grant the application subject to the following additional conditions:-

- Late Night Refreshment is limited to hot drinks;
- Signage will be displayed prominently on the forecourt in the following terms “No idling of motor vehicle engines”.

These are imposed to address the issues of nuisance raised in the objections.

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. The Sub-Committee acknowledged the genuine concerns of the residents but is limited to dealing with the application in accordance with the Licensing Objectives.

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.