
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 23 JULY 2018

Present: Councillors Furnell, Leggett and Parnell

10. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the Meeting held on 20 June 2018 be approved and signed as a correct record.

12. **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.

13. **APPLICATION FOR REVIEW OF PREMISES LICENCE - EURO FOOD STORES, 1 - 2 THE COLONNADE, BRIDGE ROAD, SOUTHAMPTON, SO19 7QT**

The Sub-Committee considered the report for an application for review of the premises licence in respect of Euro Food Stores, 1-2 The Colonnade, Bridge Road, Southampton, SO19 7QT.

Lucas Marshall (Trading Standards Officer) and Philip Gilbert (Public Health Officer) 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 premises licence be revoked.

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 determined that the hearing should proceed in the absence of the Premises Licence Holder. It was confirmed that the Licensing Team had written on the 5 July 2018 notifying the Premises Licence Holder of the hearing as well as emailing on the same date. No response has been received in relation to this and further attempts to make contact by telephone have also failed. In the absence of any application for adjournment, or explanation for the non-attendance by the Premises Licence Holder, the Sub-Committee determined to proceed in the absence of one of the parties in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Sub-Committee has considered very carefully the application for review and representations by the parties present at the hearing.

Due regard has been given to the provisions of the Licensing Act 2003, the licensing objectives, the statutory guidance and the City Council's adopted statement of licensing policy. Human rights legislation has been borne in mind.

In light of all of the above the Sub-Committee has determined to revoke the Premises Licence.

Reasons

The Sub-Committee heard from both Trading Standards and Public Health in relation to the review application. Trading Standards confirmed that the premises have been a cause for concern for some while and, in particular, outlined the following issues:

- Three illegal sales (test purchases) of illegal cigarettes on 30 November 2017, 11 April 2018 and 4 June 2018;
- The latter two breaches followed the issuing of Cautions to the DPS at the premises on 16 February 2018 and assurances that illegal sales would cease;
- The failure of the premises to comply with multiple conditions attached to the licence, notably relating to CCTV, Refusals Book, Incident Book and Training Records;
- The display of alcohol (beers) of over 6.5% in breach of a condition attached to the licence;
- Alcohol on sale at the premises not being properly labelled in English (as required under the Food Information Regulations 2014);
- The sale of single cans at the premises in breach of a condition previously attached to the licence; and
- Confusion/lack of clarity regarding the control and ownership of the business twinned with the absence of the named DPS at the premises.

In addition, the Sub-Committee heard from Public Health who provided useful background information clarifying the importance of enforcement in this area and notably the additional potential dangers presented by illegal cigarettes in relation to health as well as the fact that such sales undermine the tax regime and public health generally.

The Sub-Committee considered very carefully all of the options available to it in accordance with Section 52 (4) of the Act. However, in light of the previous lack of co-operation, the failure to respond to previous warnings including Cautions issued to the DPS, the Sub-Committee could come to no other conclusion than to revoke the licence in this case. The lack of certainty over those responsible for the premises and the number of regulatory issues combined persuaded the Sub-Committee that other steps (including, for example, removal of the DPS or suspension) would not be sufficient to address the licensing objectives. It was therefore determined that it was appropriate to revoke the premises licence in light of all the circumstances. The Sub-Committee were referred to paragraphs 11.26 – 11.28 of the Statutory Guidance which entirely supports this approach given the crime prevention objective is being undermined.

The Sub-Committee did consider the financial implications of revocation, but determined that upholding the licensing objectives, particularly the crime prevention objective, outweighed the financial implications.

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.