

LICENSING (LICENSING AND GAMBLING) SUB – COMMITTEE
DECISION OF THE MEETING HELD ON 7 APRIL 2021
APPLICATION FOR A PREMISES LICENCE
DHALIWAL TWO STORE, SOUTHAMPTON SO14 0JH

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

This hearing was held as a virtual meeting 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 for a premises licence at Dhaliwal Two Store, 31 Onslow Road, Southampton SO14 0JH in the report of the Service Director, Communities, Culture and Homes. 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 application as submitted, including the representation from the objector, Mrs. Salina Rahman-Khan, who did not attend. The Sub Committee heard from Mrs. Anuragpreet Kaur, the applicant and her son Mr Garry Singh, as well as her representative, Mr Semper.

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.

It was noted that the proposed conditions as set out in the application were deemed as satisfactory by Hampshire Constabulary and Trading Standards and that Environmental Health – Licensing and the Fire Service found the application to be satisfactory also.

The Sub-Committee noted that the objections related to historic issues at the premises which concerned problems later in the evening. There were no current concerns raised by Environmental Health or Hampshire Constabulary. The Sub-Committee were satisfied that the allegations made against the applicant were unfounded.

The Sub-Committee was advised that as the premises fall within the cumulative impact area the presumption of grant provided for by the legislation is reversed. There is a rebuttable presumption to refuse the licence. To rebut that presumption the applicant needs to satisfy the Sub-committee that the operation of its premises will not add to the cumulative impact already being experienced.

Nevertheless, in light of all the above the Sub-Committee has determined that the application should be granted, subject to the conditions agreed with Hampshire Constabulary and Trading Standards as set out. For clarity the conditions imposed are those as set out in section M of the application to include limiting the floor space for alcohol display and limiting the supply of alcohol between the hours of 7:00 am and 11:00 pm every day.

Reasons

The Sub-Committee considered the representation objecting to the application. It noted the concerns in respect of the licensing objectives that were raised. Hampshire Constabulary made no representation against this application and are aware that the proposed DPS would be at two stores. The Applicant satisfied the Sub-Committee that the concerns were unfounded.

The Sub-Committee also carefully considered the representations made in support of the application. The applicant acknowledged that the application is within the cumulative impact area and has factored this within the operating schedule.

Weighing up all of the above, the Sub-Committee does not consider it would be appropriate or proportionate to refuse the application at this time on the basis of the evidence presented. The Sub-Committee concluded that it would be appropriate and proportionate to grant the licence subject to the conditions and stated hours.

The Sub-Committee felt able to depart from its policy relating to cumulative impact areas as the applicant had provided evidence that the premises would not add to the cumulative impact already experienced.

Factors in this were the fact that the premises is an off-licence and there is a terminal hour for sale of alcohol of 11-00 p.m. This differs from many premises in the area and so the premises will have a relatively small throughput of customers throughout the licensable hours and there will not be a congregation after other premises close.

It was noted that the police specifically stated that they were satisfied with the proposed conditions in the application.

Residents and local businesses 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 by them 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.