

LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
DECISION OF THE MEETING HELD ON 28/04/21
APPLICATION FOR A PREMISES LICENCE –
AVENUE FOOD AND WINE
21 METHUEN STREET, SOUTHAMPTON SO14 6FL

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 Avenue Food and Wine 21 Methuen Street, SOUTHAMPTON SO14 6FL. 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 report of the Service Director for Communities, Culture and Homes, 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 Applicant confirmed to the Committee that following discussion with Trading Standards, both the Opening hours applied for, and the hours for the supply by Retail of alcohol (for consumption on and off the premises) have been agreed. The Sub Committee noted that these hours were comparable to the local opening hours of those Off-License premises referenced in the representations.

Supply by retail of alcohol:

Monday	0700 - 2300
Tuesday	0700 – 2300
Wednesday	0700 - 2300
Thursday	0700 - 2300
Friday	0700 - 2300
Saturday	0700 - 2300
Sunday	0700 - 2300

The Sub-Committee noted that generally the legislation provides for a presumption of grant of a licence, unless the Licensing objectives cannot be met by conditions, which, having considered the report, the Sub Committee agreed it can. The premises is not located in a Cumulative Impact Zone, so there is no presumption of refusal.

The Sub-Committee heard from members of the public and a neighbouring business premises who objected to the application.

The Sub-Committee considered whether it would be justified in departing from its Statement of Licensing Policy in light of the representations, but after careful consideration decided it was not.

In light of all the above the Sub-Committee has determined that the application, should be granted, subject to the conditions agreed with Trading Standards as set out above.

Reasons

The Sub-Committee considered very carefully all the representations objecting to the application. It noted the strength of feeling and the concerns in respect of the licensing objectives that were raised.

The Sub-Committee considered the representations made by the applicant and the type of premises they wished to run. It noted the fact that Trading Standards had agreed conditions with the applicant and had not attended.

Whilst the Sub-Committee were mindful of the concerns raised by the objectors regarding the problems in the area with a number of licenced premises, this decision was made bearing in mind the licensing objectives and

assurances by the applicant's solicitor to ensure the premises would not adversely affect those licensing objectives

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.