
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 27 MARCH 2024

Present: Councillors M Bunday, Moulton and Noon

47. **ELECTION OF CHAIR**

RESOLVED that Councillor M Bunday, as Chair of the Licensing Committee, would be Chair for the purposes of this meeting.

48. **STATEMENT FROM THE CHAIR**

The Chair noted that the hearing was a hybrid in person/virtual meeting using Microsoft Teams, with all parties to the hearing participating online. The option to attend the hearing in person or remotely had been offered to all relevant parties.

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

RESOLVED that the Sub-Committee move into private session in order to receive legal advice when determining issues, the parties to the hearing press and the public unless otherwise excluded by the Licensing Act 2003 (Hearings Regulations 2005), would be invited to return immediately following that private session at which time the matter would be determined and decision of the Sub-Committee announced.

50. **APPLICATION FOR A NEW PREMISES LICENCE - 5 HAO, 4 HANOVER BUILDINGS, SOUTHAMPTON SO14 1JW**

The Sub-Committee considered very carefully the application as submitted for a new premises licence at 5 HAO 4 Hanover Buildings Southampton SO14 1JW. Representations by all the parties present at the hearing as well as written representations were also fully taken into consideration.

The Sub-Committee gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy. The Human Rights Act 1998, The Equality Act 2010 and The Crime and Disorder Act 1998 Section 17 were also considered whilst making the decision.

The Sub-Committee also took into account that Trading Standards had made a representation to the Sub-Committee Hearing. No other representations had been received.

The Sub-Committee received legal advice that the legislation had a presumption of grant of a licence, so that it can only refuse the application if concerns raised cannot be met by conditions. Advice was also received that in line with the statutory guidance as a responsible authority Trading Standards should be deemed to be an expert in their field.

Considering all the above, the Sub-Committee has decided to refuse the application.

Reasons:

The Sub-Committee heard evidence from the applicant and his representative and also from the Trading Standards officer.

The Sub-Committee heard the concerns of Trading Standards as set out in the objection and the reasoning from the applicant for those issues. The Sub-Committee felt that there were inconsistencies in the applicant's version of events and preferred the evidence of the Trading Standards officer. The Sub-Committee were not convinced that the significant amounts of tobacco and alcohol on the premises was consistent with personal use.

The fact that no individual cigarette packets were open, and no bottles of alcohol were opened was inconsistent with personal use. The Sub-Committee was therefore not convinced that these items would not be passed or sold on to others from the premises. As such the Sub-Committee had concerns that this might continue in the future.

In any event, the Sub-Committee was of the view that the fact that non-duty paid tobacco and alcohol were on the premises at all was of great concern and showed a fundamental lack of knowledge around licensing legislation.

The Sub-Committee considered whether there were any conditions they could impose which would meet their concerns and those raised by Trading Standards but resolved that there were none.

In all the circumstances and considering all of the evidence the Sub-Committee decided to refuse the application.

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.