
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 21 AUGUST 2024

Present: Councillors M Bunday, Cooper and Moulton

17. **ELECTION OF CHAIR**

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

18. **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.

19. **HEARING TO CONSIDER AN APPLICATION FOR GRANT OF A PREMISES - GRANARY STORE TO MANSION ROAD SO153BJ**

All parties received formal written confirmation of the decision and reasons.

This hearing was held as a virtual meeting using Microsoft Teams.

The Sub-Committee considered very carefully the application for grant of a premises licence for Granary Store 2 Mansion Road, Southampton, SO15 3BJ as submitted.

It 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 considered whilst making the decision.

The Sub-Committee made its decision on the basis of all of the evidence submitted, both in writing and given orally at the Hearing.

The Sub-Committee heard from Mr Suresh Kanapathi the Applicant's Agent and the Applicant Mr Ratheesh Odalanickal.

The Sub-Committee noted that none of the Responsible Authorities attended the Hearing, but that conditions had been agreed by the Police and Environmental Health with the applicant, to be added to the licence, should the application be granted. The residential objector Mr Webb did not attend but his written objection was considered.

Having considered all of the above the Sub-Committee agreed to grant the licence in accordance with the application covering the supply by retail of alcohol during the following hours:

Monday 06:00 - 23:00
Tuesday 06:00 - 23:00

Wednesday 06:00 - 23:00
Thursday 06:00 - 23:00
Friday 06:00 - 23:00
Saturday 06:00 - 23:00
Sunday 06:00 - 23:00

In addition the licence will be subject to the additional conditions contained in an email from Matthew Taylor Principal Environmental Health Officer to the Applicant's Agent dated 16th July 2024.

The licence will also be subject to the additional conditions set out in an email from PC Lee Scott to the Applicant's Agent dated 9th July 2024.

Reasons:

The Sub-Committee noted the concerns of the local resident about the proximity to a local school and potential problems regarding the sale of alcohol. Questions were asked of the Applicant regarding potential for underage sales and training. The Sub-Committee was satisfied with the responses provided as to the adoption of Challenge 25 and the training that would be provided to all staff.

Questions were also asked regarding the CCTV system and its immediate availability on request. The Sub-Committee was satisfied that all staff will be able to provide access to the CCTV system when required.

The Sub-Committee was reminded that the Police and Environmental Health were satisfied that conditions had been agreed with the applicant and therefore did not attend the hearing. They would be the proper authority to make representations regarding crime and noise.

The Sub-Committee received legal advice that the legislation provides for a presumption of grant of an application for a premises licence, and an application should only be refused if conditions on the licence could not address issues raised. In this case additional conditions had been agreed with the Police and Environmental Health, which dealt with those issues satisfactorily.

Advice was also given that in accordance with the Statutory Guidance the Police are deemed experts on crime and disorder and, Environmental Health are regarded as experts on noise and public nuisance.

Finally, the Sub-Committee was advised that it is not entitled to take into account speculation as to what might occur if the licence was granted. The residential objection received did amount to speculation.

Members of the public should be assured that there is a general right to review a premises licence, which can be brought by residents or responsible authorities, where there is evidence that the objectives are not being met. 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.

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.